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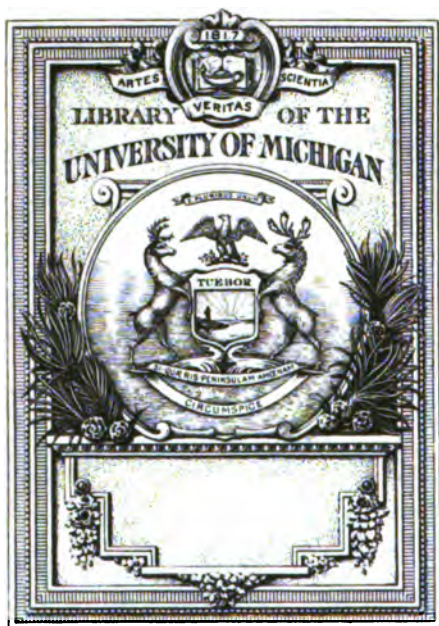
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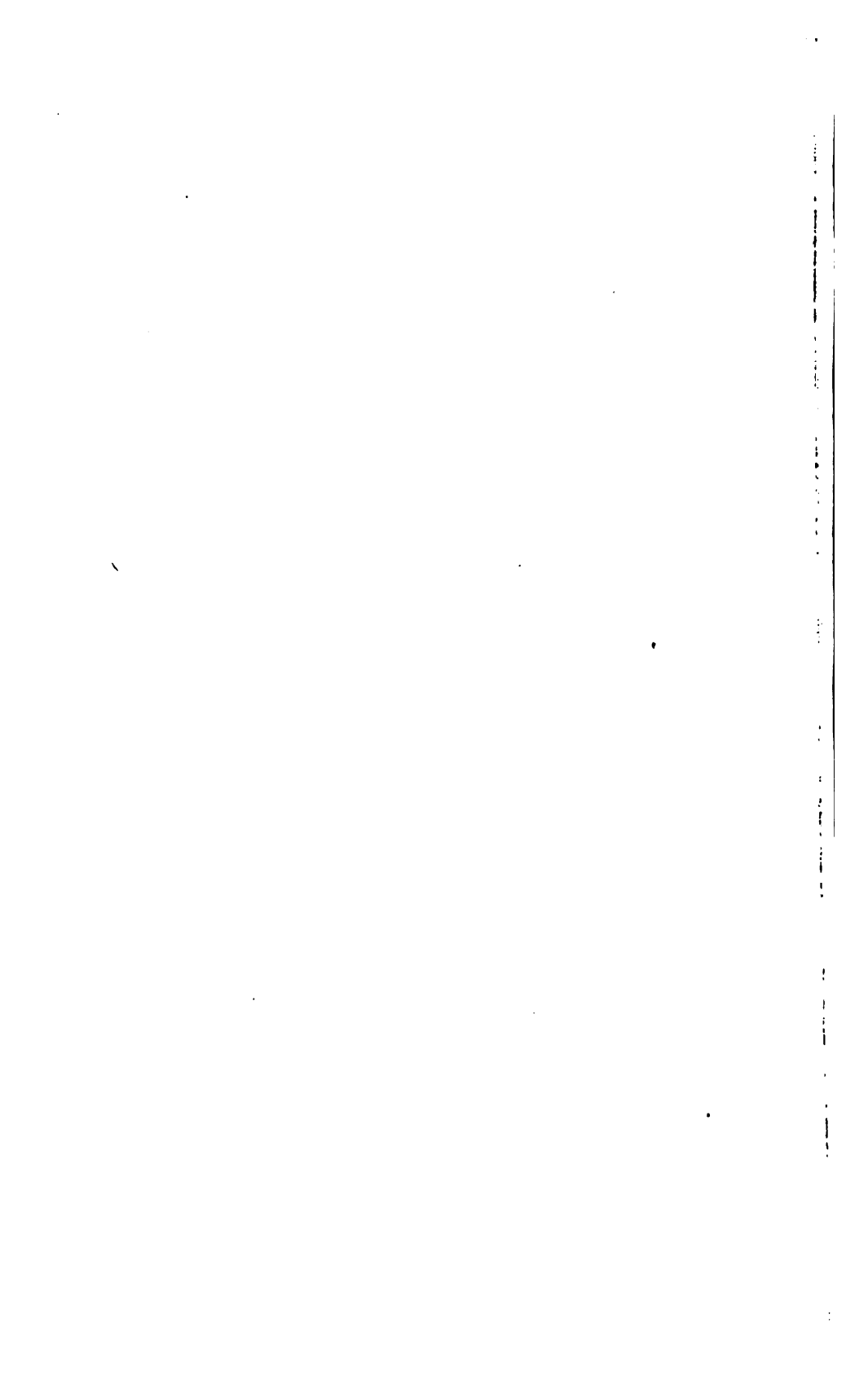
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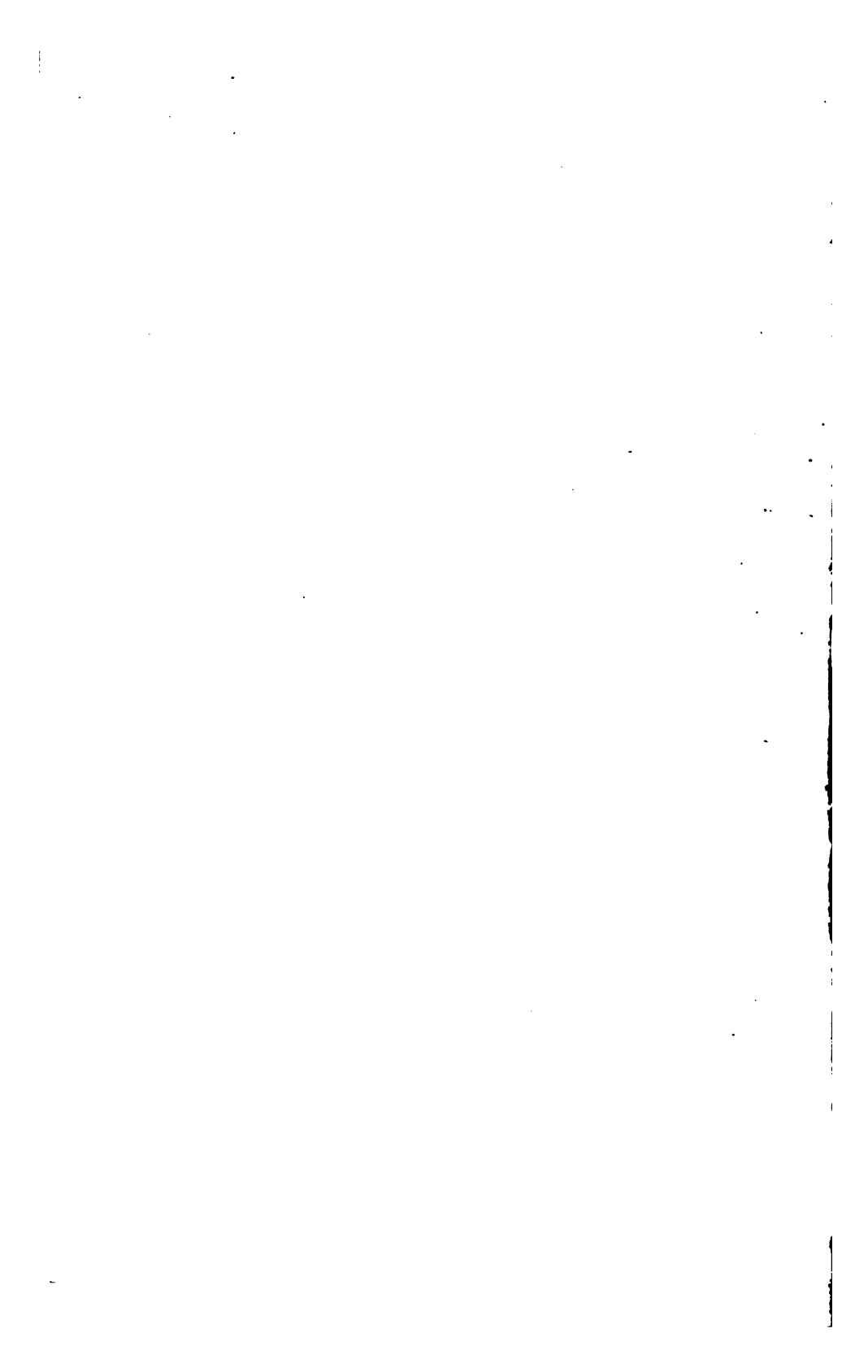


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THE  
**Statutes at Large,**

FROM THE  
**Thirty-second Year of K. HEN. VIII.**

TO THE  
**Seventh Year of K. EDW. VI. inclusive.**

BY  
**DANBY PICKERING, of GRAY's INN, Esq;**

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*M. D. Hill.*

THE  
**Statutes at Large,**

FROM THE  
**Thirty-second Year of King HENRY VIII.**

TO THE  
**Seventh Year of King EDWARD VI. inclusive.**

To which is prefixed,  
**A TABLE** containing the **TITLES** of all the **STATUTES**  
during that Period.

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**V O L. V.**

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**By DANBY PICKERING, of Gray's-Inn, Esq;**  
Reader of the Law Lecture to that Honourable Society.

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**CAMBRIDGE,**  
Printed by **JOSEPH BENTHAM**, Printer to the **UNIVERSITY**;  
for **CHARLES BATHURST**, at the Cross-Keys, opposite St. Dunstan's  
Church in Fleet-Street, London. 1763.

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**CUM PRIVILEGIO.**

1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations

which is the system of equations of the theory of the motion of a particle in a magnetic field. The system of equations is written in the form

where  $\mathbf{r}$  is the position vector of the particle,  $\mathbf{v}$  is the velocity vector,  $\mathbf{B}$  is the magnetic field vector, and  $\mathbf{E}$  is the electric field vector.

The system of equations is solved for the case of a uniform magnetic field and a constant electric field. The solution is given in the form of a series of powers of the electric field vector.

The second part of the paper is devoted to a detailed analysis of the solution of the system of equations for the case of a uniform magnetic field and a constant electric field. The solution is given in the form of a series of powers of the electric field vector.

The third part of the paper is devoted to a detailed analysis of the solution of the system of equations for the case of a uniform magnetic field and a constant electric field. The solution is given in the form of a series of powers of the electric field vector.

The fourth part of the paper is devoted to a detailed analysis of the solution of the system of equations for the case of a uniform magnetic field and a constant electric field. The solution is given in the form of a series of powers of the electric field vector.

The fifth part of the paper is devoted to a detailed analysis of the solution of the system of equations for the case of a uniform magnetic field and a constant electric field. The solution is given in the form of a series of powers of the electric field vector.

## TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the 32d year of K. HENRY VIII. to the 7th of K. EDWARD VI. both inclusive.

*Anno 32 Hen. 8.*

Cap. 1. How by the King's grant, lands, tenements, &c. may be by will, testament, or otherwise disposed; and concerning wards, *primer seifins*, &c.

Cap. 2. For limitation of prescription.

Cap. 3. For continuation of certain acts.

Cap. 4. For trial of treasons in *Wales*, &c.

Cap. 5. For continuation of debts upon executions.

Cap. 6. For trial of felonies upon conveying horses into *Scotland*.

Cap. 7. For true payment of tithes and offerings.

Cap. 8. Against sellers and buyers of pheasants and partridges.

Cap. 9. Against maintenance, embracery, &c. and unlawful buying of titles.

Cap. 10. For the moderation of the punishment of the incontinency of priests and women offending with them.

Cap. 11. Concerning stealing of hawks eggs, conies, and deer.

Cap. 12. Concerning sanctuaries, privileges of churches and churchyards.

Cap. 13. Concerning the breed of horses of higher stature.

Cap. 14. For maintenance of the navy of *England*, and for certain rates of freights.

Cap. 15. Concerning archbishops and bishops, their chancellors, commissaries, archdeacons, and their officials, to be in the commission  
VOL. V.

of the act concerning the abolition of erroneous opinions in the christian religion.

Cap. 16. Concerning strangers.

Cap. 17. For paving of *Aldgate*, *High Holbourn*, *Chancery-Lane*, *Gray's-Inn-Lane*, *Shos-Lane*, *Fetter-Lane*, &c.

Cap. 18. For re-edifying of decayed houses in sundry towns and places of the realm.

Cap. 19. For re-edifying of decayed houses in sundry towns of the west parts.

Cap. 20. Concerning privileges and franchises.

Cap. 21. The abbreviation and limitation of *Trinity* term.

Cap. 22. Concerning the accounts of bishops and others, for the tenth granted to the King's majesty.

Cap. 23. The subsidy of the clergy of the province of *Canterbury*.

Cap. 24. Concerning the lands and goods of the hospitals of *Saint John of Jerusalem* in *England* and *Ireland*, to be hereafter in the King's hands and disposition.

Cap. 25. For dissolution of the King's pretended marriage with the lady *Anne of Cleve*.

Cap. 26. Concerning true opinions and declarations of Christ's religion.

Cap. 27. For resumption of extraordinary grants and licences of absence and reversions in the town of *Calais*, and the marches of the same, and in *Berwick*, and of the sheriffwicks for life in *Wales*.

A

Cap. 28.

## A TABLE of the STATUTES.

Cap. 28. That lessees shall enjoy their farms against tenants in tail, or in right of their wives, or churches, &c.

Cap. 29. Concerning customable lands in *Ofsweldbeckfoke*.

Cap. 30. Concerning mispleadings, jeofails, and attorneys.

Cap. 31. For the avoiding of recoveries by collusion, by tenants for term of life.

Cap. 32. Concerning joint tenants for term of life or years.

Cap. 33. That wrongful disseisin is no descent in the law.

Cap. 34. Concerning grantees of reversions to take advantage of the conditions to be performed by the lessees.

Cap. 35. That justices of the forests may make deputies.

Cap. 36. For the exposition of the statutes of fines.

Cap. 37. For the recovery of arrearages of rents by executors of tenant in fee-simple.

Cap. 38. Concerning precontracts of marriages, and touching degrees of consanguinity.

Cap. 39. The jurisdiction of the great master of the household.

Cap. 40. Concerning the privileges of physicians.

Cap. 41. Concerning baking of horse bread.

Cap. 42. Concerning barbers and chirurgeons to be of one company.

Cap. 43. Concerning shire days in the county palatine of *Chester*.

Cap. 44. That the town of *Royston* be reduced to one new parish.

Cap. 45. For the court of the first fruits and tenths.

Cap. 46. The establishment of the court of the King's wards.

Cap. 47. That the bishop of *Norwich* shall be charged with the collection of the King's tenths in his diocese.

Cap. 48. Concerning the castle of *Dover*, castle wards, and other munitions thereabouts.

Cap. 49. Concerning the King's most gracious, general and free pardon.

Cap. 50. For the grant of two subsidies, and four fifteenths and tenths to the King by the temporality.

### *Private Acts.*

*Anno 32 Hen. 8.*

1. An act that such taylor as remain in the custody of the cofferer unpaid, shall be restored to the treasurer and chamberlains of the exchequer, there to be cancelled and dampned.

2. An act that the honour of *Wallingford* shall be separated from the dukedom of *Cornwall*, and united to the manor of *Newelme*, which shall be called the honor of *Newelme*, and have like liberties and privileges as the honour of *Wallingford* had.

3. An act for the uniting of divers lordships and manors to the castle of *Windfor*.

4. An act for the uniting of the manor of *Nonsuch*, and divers other manors, to the honour of *Hampton-Court*.

5. An act for the uniting of divers manors to the honour of *Petworth*.

6. An act that the monastery of *Furnes*, and divers other lands, shall be in the survey, letting, and setting of the chancellor of the county palatine and duchy of *Lancaster*, and of the officers of the said county.

7. An act for the attainder of *Giles Heron*.

8. An act for the attainder of *Richard Featherstone*, *Thomas Abell*, *Edward Powell*, *William Horne*, *Margaret Tyrrell*, and *Laurence Cooke*, for adhering to the bishop of *Rome*.

9. An act for the attainder of *Gregory Butolph*, *Adam Damplipp*, and others, for adhering to the bishop of *Rome*.

10. An act for the attainder of *William*

## A TABLE of the STATUTES.

- Sam. Byrd, Walter lord Hungerford, and others.*
11. An act for the attainder of *Thomas lord Cromwell.*
  12. An act giving the King, and his heirs, power to make a jointure to any lady his wife, being queen of this realm.
  13. An act for the assurance of the manor of *Harens Place*, in the county of *Kent*, to *George Harpur* and *Luce* his wife.
  14. An act for the inclosing of divers lands, belonging to the prebend of *Rugemore*, for the enlarging of *Marybone* park in the county of *Middlesex*, in lieu of which lands the King giveth the parsonage of *Throwley* in the county of *Kent* to the prebend and his successors.
  15. An act for the uniting of the parishes of *St. Margaret* and *St. Mary Magdalene* in *Southwark*, and that it be from thenceforth called the parish of *St. Saviour*: and that some of the parishioners shall be incorporated by the name of wardens of the parish of *St. Saviour.*
  16. An act to enable *Audrey Hare* to sell divers lands.
  17. An act for confirmation of an exchange, made between the King and the duke of *Norfolk*, of the manor of *Shortesfield* and other lands in the county of *Suffex*, the priory of *Clarkenwell* and other lands in the county of *Middlesex.*
  18. An act of resumption of the King's household.
  19. An act between the King and Sir *Richard Rich.* Bargain and sale.
  20. An act assuring *Rotherfield Grey* to Sir *Francis Knellis.*
  21. An act concerning *Elizabeth Hill.*
  22. An act for *Richard Long*, concerning *Shingay.*
  23. An act for Sir *Edward Bainton*, knight, and dame *Isabell* his wife.
  24. An act between the King and the duke of *Norfolk*, concerning *Henkott* and *Hardwicke.*
  25. An act concerning the lord *La Warr.*
  26. An act concerning Mr. *Wyatt.*
  27. An act for the lady *Audley*, Sir *Thomas Poynings*; and others. Exchange.
  28. An act between the King and Sir *Thomas Wyat.*
  29. An act for the assuring of certain lands to the earl of *Hertford.*
  30. An act touching the marquiss of *Dorset* and the lord *John Grey.*

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*Anno 33 Hen. 8.*

- Cap. 1. Concerning counterfeit letters or privy tokens to receive money or goods in other mens names.
- Cap. 2. Concerning the buying of fish upon the sea.
- Cap. 3. For the folding of cloths in *North Wales.*
- Cap. 4. Concerning pewterers.
- Cap. 5. Concerning keeping of great horses.
- Cap. 6. Concerning cross bows and hand guns.
- Cap. 7. Concerning the conveyance of brass, latten, and bell-metal over the sea.
- Cap. 8. Against conjurations, witchcrafts, forceries, and enchantments.
- Cap. 9. For the maintenance of artillery and debarring unlawful games.
- Cap. 10. Concerning the execution of certain statutes.
- Cap. 11. For butchers to sell at their liberty by weight or otherwise.
- Cap. 12. For punishment of murder and malicious bloodshed within the King's court.
- Cap. 13. Concerning certain lordships translated from the county of *Denbigh* to the county of *Flint.*
- Cap. 14. Concerning false prophecies upon declaration of names, arms or badges.
- Cap. 15. Touching the translation of the sanctuary from *Manchester* to *Westchester.*
- Cap. 16.

## A TABLE of the STATUTES.

- Cap. 16. For worsted yarn in *Norfolk*.
- Cap. 17. For the confirmation and continuation of certain acts.
- Cap. 18. For the true making of ker-fies.
- Cap. 19. For expounding a certain statute concerning shipping of cloths.
- Cap. 20. For due process to be had in high treasons, in cases of lunacy and madness.
- Cap. 21. Concerning the attainder of the late Queen *Catharine* and her complices.
- Cap. 22. Concerning the order of wards and liveries.
- Cap. 23. For a commission of *Oyer* and *Terminer* against such persons as shall confess treasons, &c. without remanding the same to be tried in the shire where the offence was committed.
- Cap. 24. That no man shall be justice of assise in his own county.
- Cap. 25. For the making free of certain children born beyond the sea, and to put the same children in the nature of *English* men.
- Cap. 26. For avoiding certain fraudulent conveyances devised by Sir *John Shekon*.
- Cap. 27. For leases of hospitals, colleges, and other corporations to be good and effectual with the consent of the more part.
- Cap. 28. For the chancellor of the duchy of *Lancaster*, the chancellor of the augmentation, and certain other noblemen, to retain chaplains.
- Cap. 29. To enable persons, late religious, to sue and to be sued.
- Cap. 30. For confirming the authority of the dean and chapter of *Litchfield* in making leases and other grants.
- Cap. 31. For dissevering the bishoprick of *Chester*, and the ile of *Man*, from the jurisdiction of *Canterbury* to the jurisdiction of *York*.
- Cap. 32. For the parish church of *Whitgate* to be made a parish church of itself, and no part of the parish of *Over*.
- Cap. 33. Concerning the privilege of *Kingston upon Hull*.
- Cap. 34. For the town of *Lynn*, touching the revocation of two fairs.
- Cap. 35. Concerning the conduits of *Gloucester*.
- Cap. 36. For the repairing of *Canterbury*, *Rocheſter*, *Stamford*, and divers other towns.
- Cap. 37. Touching the honour of *Amptſhill*.
- Cap. 38. Concerning the honour of *Grafton*.
- Cap. 39. Concerning the erection of the court of surveyors.

### Private Acts. Anno 33 Hen. 8.

1. An act for the attainder of *Richard Pates* and *Sith Holland*.
2. An act for Sir *Gilbert Talbot* to have the manor of *Grafton*.
3. An act concerning the prebend of *Blewberry*.
4. An act between the Lord Admiral and the bishop of *Rocheſter*.
5. An act for the provost and scholars of *King's College* in *Cambridge*, for their better enjoying of divers lands formerly given unto them.
6. An act for assurance of the parsonage of *Strubby* in the county of *Lincoln*, to the dean and chapter of *Lincoln*.
7. An act for the better assurance of the manor of *Willington* in the county of *Bedford*, to *John Gostwick*.
8. An act for the jointure of the lady marchioness *Dorſett*.
9. An act for assuring lands to the lady *Dacres*.
10. An act that the collegiate church of *St. Mary* of *Southwell* in the county of *Nottingham*, shall stand and be in such perfect estate in all degrees, as it was or stood the first day of *June* in the 32d year of the King's majesty's reign.

## A TABLE of the STATUTES.

*Anno 34 & 35 Hen. 8.*

- Cap. 1. For the advancement of true religion, and for the abolishing of all false doctrines.
- Cap. 2. Concerning collectors and receivers.
- Cap. 3. For the assise of coal and wood.
- Cap. 4. Against such persons as do make bankrupts.
- Cap. 5. For explanation of the statute of wills.
- Cap. 6. For the true making of pins.
- Cap. 7. To authorize certain of the King's majesty's council to set prices upon wines to be sold by retail.
- Cap. 8. That persons, being no common chirurgeons, may minister medicines.
- Cap. 9. For the preservation of the river of *Severn*.
- Cap. 10. For the true making of coverlets at *York*.
- Cap. 11. For the true making of freezes and cottons in *Wales*.
- Cap. 12. For paving of certain lanes and streets in *London* and *Westminster*.
- Cap. 13. For knights and burgesses to have places in the parliament for the county palatine and city of *Chester*.
- Cap. 14. For a certificate of convicts to be made into the King's bench.
- Cap. 15. For the dean and chapter of *Wells*, to be one sole chapter of itself.
- Cap. 16. For the sheriffs to be discharged upon their accounts, and to have allowances of their reasonable expences, in the court of exchequer.
- Cap. 17. For the new erected bishops to pay their tenths into the court of first-fruits.
- Cap. 18. Concerning the privileges of *Canterbury*.
- Cap. 19. For the payment of pensions and portions granted out of the late abbies,
- Cap. 20. To embar feigned recoveries of lands wherein the King's majesty is in reversion.
- Cap. 21. For the confirmation of lands, notwithstanding misnaming any thing contained in the same.
- Cap. 22. That fines in towns corporate shall be made as the same have been in times past.
- Cap. 23. For the true execution of proclamations.
- Cap. 24. For the assurance of certain lands to *John Hind* serjeant at law, and to his heirs, paying therefore yearly ten pounds towards the charges of the knights of the parliament for *Cambridgeshire* for the time being.
- Cap. 25. That the inhabitants of *Poole* may erect a windmill and a conduit within the King's majesty's waste ground of *Baiter*.
- Cap. 26. For certain ordinances in the King's majesty's dominion and principality of *Wales*.
- Cap. 27. For the subsidy of the temporality.
- Cap. 28. For the subsidy granted by the clergy.

### *Private Acts.*

*Anno 34 & 35 Hen. 8.*

1. An act for the exchange of the manor of *Clerkenwell* between the King and the duke of *Norfolk*.
2. An act for the treasurership of the cathedral church of *Sarum* to be assured to doctor *Robertson*, and also for the assurance of the archdeaconry of *Taunton* to doctor *Redman*.
3. An act for the making denizens two children of *Thomas Brandelyng*.
4. An act of restitution in name and blood to *Walter Hungerford* and *Edward Nevill*,
5. An act to make denizens the children of *William Meye*,
6. An act to make denizens three children of *Robert Dethick*,
7. An

## A TABLE of the STATUTES.

7. An act for the assurance of the clerkship of the treasury and warrants in the King's bench, to *John Payne*, during his life.
8. An act for the granting of the parsonage of *Strubby* in the county of *Lincoln*, unto the dean and chapter of the cathedral church of *Tork*.
9. An act between the archbishop of *Canterbury*, Sir *John Gage*, and others. Exchange.
10. An act assuring lands to *Anne Sidney*.
11. An act concerning a partition between the daughters of *John Stretly*.
12. An act declaring the children of *Elizabeth Burgh* to be bastards.
13. An act concerning the jointure of the lady *Cobham*.
14. An act concerning covenants between the countess of *Devon*, Sir *William Knevet*, and others.
15. An act concerning the inheritance to *Hugh Dennis*, and twenty pounds *per annum* to *Magdalen college* in *Cambridge*.
16. An act concerning the bastards of the lady *Parr's* children.
17. An act concerning the heirs of the lady *Draycote's* lands.
18. An act concerning the collegiate church of *Southwell*.
19. An act concerning the inheritance of *Roger Lukner*.
20. An act between the bishop of *Norwich* and *Thomas Paston*, esquire.
21. An act between the King and Sir *Bryan Tuke*. Exchange.
22. An act concerning the prebend of *Bedwin* and *West Bedwin*, to the earl of *Hertford*.
23. An act for confirmation of lands obtained by the King's majesty by exchange.
- Cap. 2. Concerning the trial of treasons committed out of the King's majesty's dominions.
- Cap. 3. For the ratification of the King's majesty's title.
- Cap. 4. Touching the repairing and amending of certain decayed houses and tenements, as well in *England* as in *Wales*.
- Cap. 5. Concerning the qualification of the statute of the six articles.
- Cap. 6. Concerning the appearance of jurors in *Nisi prius*.
- Cap. 7. For the repealing of a certain statute concerning the bringing of salt-fish and stock-fish.
- Cap. 8. Concerning coopers.
- Cap. 9. Concerning the partition of *Wapping marsh*.
- Cap. 10. Concerning the repairing, making, and amending of the conduits in *London*.
- Cap. 11. For the due payment of the fees and wages of knights and burgesses for the parliament in *Wales*.
- Cap. 12. For the remission of the loan.
- Cap. 13. That the demain lands and tenements in *Walsingham*, belonging to the late prior there, may be let by copy of court roll.
- Cap. 14. For the reservation of tenures upon houses with lands belonging to the same, under the clear yearly value of forty shillings.
- Cap. 15. For paving of *Cambridge*.
- Cap. 16. Concerning the examination of the canon laws by two and thirty persons to be named by the King's majesty, during his highness's life.
- Cap. 17. For the preservation of woods.
- Cap. 18. Concerning the King's general pardon.

*Anno 35 Hen. 8.*

Cap. 1. Concerning the establishment of the King's majesty's succession in the imperial crown of this realm.

*Private Acts.*

*Anno 35 Hen. 8.*

1. An act concerning an exchange of lands between the King and the duke

## A TABLE of the STATUTES.

- duke of *Norfolk*, the earl of *Surrey* and the lady *Frances* his wife.
2. An act concerning an exchange between the lord admiral and the bishop of *Rochester*, for the house of *St. Swithens* in *Southwark*, and the bishop's house at *Chefwick*, which house of *St. Swithen* the King gave to the lord admiral.
  3. An act for the ratification of an award made between the lord *Dacre* and the heirs general of *Sir James Strangwisbe*.
  4. An act for the ratification of the jointure of *Queen Katherine*.
  5. An act for assurance of certain lands to the King, which were purchased of *William Bonham*, esquire.
  6. An act that *Sir John Markham*, *Thomas Powterell*, *William Sachevevell*, and *Nicholas Strelly*, in the right of their wives, being daughters and heirs of *John Strelly*, esquire, shall hold to them and to the heirs of their said wives, divers manors, lands and tenements in the counties of *Nottingham* and *Derby*.
  7. An act for confirmation of an award made by the King, for lands and tenements in controversy between the lord *Dacre* and his sons on the one part, and *Robert Rosse*, and *Sir William Malyvery* and dame *Johane* his wife, the heirs general of *Sir James Strangwaies*, on the other part.
  8. An act for confirmation of an award made by the King's majesty between *Roger Lewkenor*, *Elizabeth*, *William Barrentyne*, and *Jane Poole*.
  9. An act for the assurance of the manors of *Hennolls* and *Marshalls*, and other lands in the county of *Essex*, to *William Fitzwilliam* and *Anne* his wife.
  10. An act for the assurance of the manors of *Westmersey*, *Petekall* and *Fyngringo*, in the county of *Essex*, to the King and his heirs; and for assurance of the manor of *Mote* in the county of *Hertford*, the manor of *Appersfield* in the county of *Kent*, and divers other lands, being parcel of the inheritance of *John Denny* and *Anthony Denny*, unto *George Dacres* and his heirs; and also other things concerning the children of *Thomas Denny*.
  11. An act for confirmation of an exchange made between the earl of *Hertford* and the bishop of *Surum*.
  12. An act for *Thomas* lord *Burgh*, and that *Humfrey*, *Arthur* and *Margaret*, born of the body of *Elizabeth Burgh*, who lived in adultery, shall be deemed and taken to be bastards, and disabled to inherit.
  13. An act of exchange between the King and *Mr. Bonham*.
  14. An act between the King and *Mr. Wollescot*, concerning exchange.

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*Anno 37 Hen. 8.*

- Cap. 1. For the office of *custos rotulorum*, and clerkship of the peace.
- Cap. 2. For the partition of *Hounslow Heath*.
- Cap. 3. For the amending of the highway near *Chester*, called *Huntington-Lane*.
- Cap. 4. That all colleges, chantries, free chapels, &c. shall be in the King's majesty's disposition.
- Cap. 5. That the inhabitants of *London*, having goods to the value of four hundred marks may pass in attaints.
- Cap. 6. Against burning of frames.
- Cap. 7. For abrogation of six weeks sessions.
- Cap. 8. That any indictment lacking these words, *Vi & Armis*, shall be good and sufficient in the law.
- Cap. 9. Against usury.
- Cap. 10. Against slanderous bills.
- Cap. 11. For the marshes beside *Greenwich*.
- Cap. 12. For tithes in *London*.
- Cap. 13.

## A TABLE of the STATUTES.

- Cap. 13. Repeal of the act made for pins.
- Cap. 14. For the maintenance of the pier of *Scarburgh*.
- Cap. 15. Against regrating of wools.
- Cap. 16. For the annexing of certain lands to the duchy of *Lancaster*, and an exchange between the King's majesty, the archbishop of *Canterbury*, and *York*, and the bishop of *London*.
- Cap. 17. That doctors of civil law, being married, may exercise ecclesiastical jurisdiction.
- Cap. 18. For the erection of four honours, *Westminster*, *Kingston upon Hull*, *sanct Osth's*, and *Donington*.
- Cap. 19. That fines taken in the county palatine of *Lancaster* shall be of like force as fines knowledge before justices of the common place.
- Cap. 20. For the tenures of lands of forty shillings or under.
- Cap. 21. For the union of churches not exceeding the value of six pounds.
- Cap. 22. For filling up the juries *de Circumstantibus*.
- Cap. 23. For the continuation of certain statutes.
- Cap. 24. For the confirmation of a subsidy granted by the clergy.
- Cap. 25. Concerning the grant of one entire subsidy, and two whole fifteens and tenths, granted by the temporality.
4. An act for *Thomas Lytlebury*, for the assurance of the manor of *Albye Puerorum*.
5. An act that the knights of *St. John's of Jerusalem in England and Ireland* may marry.
6. An act for the earl of *Arundell*, concerning the assurance of the lady *Mary* his wife's jointure.
7. An act for the legitimation of the children of *Sir Ralph Sadler* and *Ellene* his wife.
8. An act for the attainder of the duke of *Norfolk* and the earl of *Surry*.
9. An act for the attainder of the late Queen *Katherine* and her accomplices, and touching attainder for high treason in cases of madness and lunacy.

### Anno 1 Edw. 6.

- Cap. 1. Against such persons as shall unreverently speak against the sacrament of the altar, and of the receiving thereof under both kinds.
- Cap. 2. For the election of bishops.
- Cap. 3. For the punishing of vagabonds, and for the relief of the poor and impotent persons.
- Cap. 4. For tenures holden *in capite*.
- Cap. 5. That no horses shall be conveyed out of this realm, and other the King's dominions without licence.
- Cap. 6. For the continuance of making of worsted yarn in *Norfolk*.
- Cap. 7. For the continuance of actions after the death of any King.
- Cap. 8. For the confirmation of letters patents.
- Cap. 9. For the uniting of certain churches within the city of *York*.
- Cap. 10. For the exigents and proclamations in *Wales*, and in the county palatine of *Chester*, and also in the city of *Chester*.
- Cap. 11. For the repeal of a certain statute made in the twenty-eighth year of the reign of the late King of

### Private Acts.

#### Anno 37 Hen. 8.

1. An act for exchanging certain lands between the lord chancellor, the lord great chamberlain, and the bishop of *Salum*.
2. An act for *Francis Knolls*, concerning the manor of *Rotherfield Graye*.
3. An act for *Jasper Hartwell* and others.

## A TABLE of the STATUTES.

of most famous memory, *Henry the Eighth*, for revoking of acts of parliament.

Cap. 12. For the repeal of certain statutes concerning treasons, felonies, &c.

Cap. 13. For the subsidy of tunnage and poundage of merchandizes, with a proviso for the confirmation of the privileges of the merchants of the *stil-yard*; which *proviso* shall endure but only to the end of this parliament.

Cap. 14. Certain chauntries, colleges, free chapels, and the possessions of the same, given to the King's majesty.

Cap. 15. Concerning the King's general pardon.

### *Private Acts.*

*Anno 1 Edw. 6.*

1. An act for the establishment of a deanery at *Wells*.
2. An act for the assurance of certain lands to the King's majesty from the earl of *Rutland*.
3. An act for the assurance of certain lands to the lord *Riche*, and Sir *William Shelley*, knight.
4. An act for the restitution in blood of the lord *Stafford*.
5. An act for the restitution in blood of *John Lumley*, esquire.
6. An act for the restitution in blood of *Gryffith Rice*, gentleman.
7. An act concerning the lands and possessions of the earl of *Oxford*.

*Anno 2 & 3 Edw. 6.*

Cap. 1. For the uniformity of service and administration of the sacraments throughout the realm.

Cap. 2. For the reformation of captains and soldiers serving in the wars.

Cap. 3. Concerning purveyors.

Cap. 4. For the sheriffs of *England* to have certain allowances upon their accounts.

Cap. 5. Concerning the remitting of fee-farms for three years.

Cap. 6. Against the exaction of money and other things, by any officer for licence to traffick into *Ireland*.

Cap. 7. Against the crafty and deceitful buying of pensions.

Cap. 8. Concerning the finding of offices before escheators.

Cap. 9. For the true currying of leather.

Cap. 10. For the true making of malt.

Cap. 11. For the true tanning of leather.

Cap. 12. For the assurance to the tenants, of grants and leases made of the duke of *Somerset's* demean lands.

Cap. 13. For the true payment of tithes.

Cap. 14. Against the shooting of hail-shot.

Cap. 15. Concerning victuallers and handicrafts-men.

Cap. 16. For the removing of such as have the custody of castles and fortresses upon the borders, and beyond the seas.

Cap. 17. For the confirmation of the attainder of Sir *William Sharrington*, knight.

Cap. 18. For the attainder of Sir *Thomas Seimor*, knight, lord *Seimor* of *Sudley*, and high admiral of *England*.

Cap. 19. For the abstinence from flesh in *Lent*.

Cap. 20. An incumbent for not paying his tenths due to the King, the same being demanded, shall be deprived of that benefice.

Cap. 21. To take away all positive laws made against the marriage of priests.

Cap. 22. Concerning the colouring of customs in other mens names, to the deceit of the King.

Cap. 23. For the repeal of a statute touching marriage contracts.

Cap. 24

## A TABLE of the STATUTES.

- Cap. 24. For the trials of murders and felonies, committed in several counties.
- Cap. 25. For the keeping of county-days.
- Cap. 26. Against the carrying of white affies out of this realm.
- Cap. 27. against the false forging of gaddis of steel.
- Cap. 28. For fines with proclamations in the county palatine of *Chester*.
- Cap. 29. Against seducy.
- Cap. 30. Concerning the towns of *Rye* and *Winchelsey*, and for the casting of ballast into the *Camber*.
- Cap. 31. For the city of *Chester*, touching the taking of recognizances.
- Cap. 32. For the continuance of certain statutes.
- Cap. 33. That no man stealing horse or horses, shall enjoy the benefit of his clergy.
- Cap. 34. For the sheriff of *Northumberland*, to be accountable for his office as other sheriffs be.
- Cap. 35. For the confirmation of the subsidy of the clergy.
- Cap. 36. For the relief granted to the King's majesty by the lords and commons.
- Cap. 37. Against the carrying of bell-metal out of the realm.
- Cap. 38. For the paving of *Calice*.
- Cap. 39. The King's majesty's free and general pardon.
5. An act for restitution of *Sir George Bulmer*.
6. An act for restitution of *Henry Wessish*.
7. An act for the restitution of *Ralph Bigott*.
8. An act for the restitution in blood of *Thomas Percy*, son of sir *Thomas Percy*, knight.
9. An act for the union of churches in the city of *Lincoln*.
10. An act concerning the mayor, bailiffs, and commonalty of the city of *Exeter*, touching the limits and liberties of the same city.
11. An act for the union of churches in the town of *Stamford*.
12. An act touching *Bartholomew Burgoine* going beyond seas.
13. An act for the assurance of certain lands to the sons of *Thomas lord Howard*.
14. An act for *Richard Bourman* clerk, to erect a free school in *St. Albans* in the county of *Hertford*.
15. An act for the great sessions and county-days, and sessions of peace, for the county of *Anglesy*, to be kept at *Bamorris*.
16. An act uniting the churches of *Onger* and *Greenstead*. Rep. 1 Mar. Sess. 3. c. 10.
17. An act touching *Saint Clements* in *Rochester*.
18. An act for the earl of *Bath* to assure lands for the jointure of the lady *Margarett* his wife, and for other lands to be assured to *John lord Fitzwarren* his son, and the lady *Fraunces* his wife.
19. An act between the mayor, &c. of *Newcastle* and *Edward Lawson*.
20. An act for the foundation of a school at *Barkhamstead*.
21. An act for the confirmation of a free school erected in the town of *Stamford*, and for more sure enjoying of the lands given by *William Ratcliffe* for maintenance of the schoolmaster there.

### Private Acts.

Anno 2 & 3 Edw. 6.

1. An act concerning gavelkind lands in *Kent*.
2. An act for restitution of *Sir George Darcy*.
3. An act for restitution of *Francis Garaw*.
4. An act for the restitution in blood of *Edward Charleton*.

Cap.

## A TABLE of the STATUTES.

*Anno 3 & 4 Edw. 6.*

Cap. 1. That the lord chancellor or lord keeper of the great seal for the time being, shall name and appoint the *justis rotularum* throughout all shires of *England*, according as in times past it hath been accustomed.

Cap. 2. For the true making of woollen cloths.

Cap. 3. Concerning the improvements of commons and waste grounds.

Cap. 4. Concerning grants and gifts, made by patentees out of letters patents.

Cap. 5. For the punishment of unlawful assemblies and risings of the King's subjects.

Cap. 6. Concerning the repeal of a branch of an act of parliament made in the last session, for buying of tanned leather.

Cap. 7. For the repeal of a statute made in the twenty-fifth year of King *Henry the Eighth*, touching the taking of wild-fowl at certain times in the year.

Cap. 8. For the continuance of the statute of sewers.

Cap. 9. For the buying of raw hides and calves-skins.

Cap. 10. For the abolishing and putting away of divers books and images.

Cap. 11. That the King's majesty may nominate and appoint thirty-two persons to peruse and make ecclesiastical laws.

Cap. 12. For the ordering of ecclesiastical ministers.

Cap. 13. For the restitution in blood of Sir *William Sharrington*, knight.

Cap. 14. For the restitution in blood of *Mary Seimor*, daughter to Sir *Thomas Seimor*, knight, lord *Seimor of Sudley*, late admiral of *England*.

Cap. 15. Against fond and fantastical prophecies.

Cap. 16. Touching the punishment of vagabonds and other idle persons.

Cap. 17. Against unlawful hunting in any park, forest, chase, or other inclosed ground.

Cap. 18. Concerning fee-farms, mentioned in the last session.

Cap. 19. Concerning the buying and selling of rother beasts and cattle.

Cap. 20. Touching the repeal of a certain branch of an act passed in the last session of this parliament, concerning victuallers and artificers.

Cap. 21. Concerning the buying and selling of butter and cheese.

Cap. 22. Touching the retaining of journeymen by divers persons.

Cap. 23. Concerning the release of the branches in the last act of relief for the payments of sheep and cloths; and also a grant of a subsidy to be paid in one year.

Cap. 24. The King's majesty's general pardon.

*Private Acts.*

*Anno 3 & 4 Edw. 6.*

1. An act for a church-yard in *West-Draiton*.

2. An act concerning dividends and quotidians in *Wells*.

3. An act for disinheriting of *William West* during his life.

4. An act for the restitution of *Thomas Illey*, esquire.

5. An act for the restitution in blood of Sir *William Hussey*, knight.

6. An act touching the lands of the duke of *Somerset*, assured to the King's majesty for the fine of the said duke, for his offences; and for the assuring other lands to the duke and his wife.

*Anno 5 & 6 Edw. 6.*

Cap. 1. For the uniformity of common prayer and administration of the sacraments.

Cap. 2. For the provision and relief of the poor.

Cap. 3. For the keeping of holy-days, and fasting-days.

Cap. 4. Against quarrelling and fighting

## A TABLE of the STATUTES.

- fighting in churches and churchyards.
- Cap. 5. For the maintenance of tillage, and increase of corn.
- Cap. 6. For the true making of woollen cloth.
- Cap. 7. For limiting the times for buying and selling of wools.
- Cap. 8. For limiting what persons shall weave or make broad woollen cloth.
- Cap. 9. That no man robbing any house, booth or tent, shall be admitted to the benefit of his clergy.
- Cap. 10. To take away the benefit of clergy from such as rob in one shire and flee into another.
- Cap. 11. For the punishment of divers treasons.
- Cap. 12. For declaration of a statute made for the marriage of priests, and for the legitimization of their children.
- Cap. 13. For declaration of a statute made in the one and thirtieth year of King *Henry* the Eighth, touching religious persons.
- Cap. 14. Against regrators, forestallers, and ingrossers.
- Cap. 15. Against regrators of tanned leather.
- Cap. 16. Against buying and selling of offices.
- Cap. 17. For the continuance of certain statutes.
- Cap. 18. For repealing a statute made in the fourth year of *Henry* the Seventh, against the bringing in of wine and woad in strange bottoms.
- Cap. 19. Touching the exchange of gold and silver.
- Cap. 20. Against usury.
- Cap. 21. Against tinkers and pedlars.
- Cap. 22. For the putting down of gig-mills.
- Cap. 23. For the true stuffing of feather-beds, mattresses and cushions.
- Cap. 24. For the making of hats, dornecks, and coverlets, at *Nor-*

*wich* in the county of *Norfolk*.

- Cap. 25. For keepers of alehouses to be bound by recognizance.
- Cap. 26. For writs upon proclamations and exigents, to be current within the county palatine of *Lancaster*.

### *Private Acts.*

*Anno 5 & 6 Edw. 6.*

1. An act for the assurance of the manor of *Meryvall*, and divers other lands in the county of *Warwick*, to *William Devereux*, one of the younger sons of *Walter* viscount *Hereford* lord *Ferrers* and of *Chartley*.
2. An act for assurance of divers lands to the mayor and commonalty of the city of *London*.
3. An act for the restitution in blood of Sir *John Nevill* of *Chete*, knight.
4. An act for *William* marquis of *Northampton* and *Elizabeth* his wife, to make their marriage lawful and their children legitimate, *Rep. 1 Mar. stat. 2.*
5. An act for the restitution in blood of *John Fortescue*, son of Sir *Adryan Fortescue*, knight.
6. An act for assurance of the jointure of the lady *Fraunces*, wife of *Henry Nevill* lord *Burgavenny*.
7. An act for making denizens the wife and children of *Edward Allen*.
8. An act for the erection of a free school in the town of *Pocklington* in the county of *York*.
9. An act to ratify the act of parliament made 32 *H. 8.* for *Edward* earl of *Hertford*, in some points, and for recompence to be made to *John Seymor* for *Katherine Fyoll* his mother's lands; and for making good the attainders of the duke of *Somerset*, Sir *Thomas Arundell*, Sir *Michael Stanhope*, Sir *Ralph Vane*, and Sir *Myles Partridge*, knights, with forfeitures of their possessions; and with divers other clauses and matters

## A TABLE of the STATUTES.

matters concerning the duke of *Somerset* and his children.

10. An act for the earl of *Oxford*, touching the avoidance of certain assurances made to the duke of *Somerset*.

11. An act for the uniting of *St. Peter's* of *Westminster*, and *Westminster*, to the bishoprick of *London*, and the erection of the dean and chapter of *Westminster*, consisting of one dean being a priest, and twelve prebendaries priests.

12. An act concerning the limitation of the lands of *Edward* duke of *Somerset*.

carrying of gold and silver out of the realm.

Cap. 7. For the assise of fuel.

Cap. 8. For the true fulling and thicking of caps.

Cap. 9. For the making of white plain streights, and pinned white streights, in *Devon* and *Cornwall*.

Cap. 10. For the uniting and annexing of the town of *Gateside* to the town of *Newcastle upon Tyne*.

Cap. 11. For the continuance of certain statutes.

Cap. 12. For the grant of a subsidy and two fifteens granted to the King's majesty by the temporality.

Cap. 13. For the confirmation of a subsidy granted by the clergy.

Cap. 14. For the King's majesty's most gracious, general and free pardon.

### *Anno 7 Edw. 6.*

Cap. 1. For the true answering of the King's majesty's revenues.

Cap. 2. For the dissolving, uniting, or annexing of certain courts, lately erected by the King that dead is.

Cap. 3. For the confirmation of the King's majesty's letters patents of bargains and sales, notwithstanding the lack or loss of the particulars, or the bill assigned of the patentee.

Cap. 4. That all patentees of collectorships of tenths shall be bound for their collections.

Cap. 5. To avoid the excessive prices of wines.

Cap. 6. For reviving a statute made in the seventeenth year of King *Edward* the Fourth, touching the

### *Private Acts.*

#### *Anno 7 Edw. 6.*

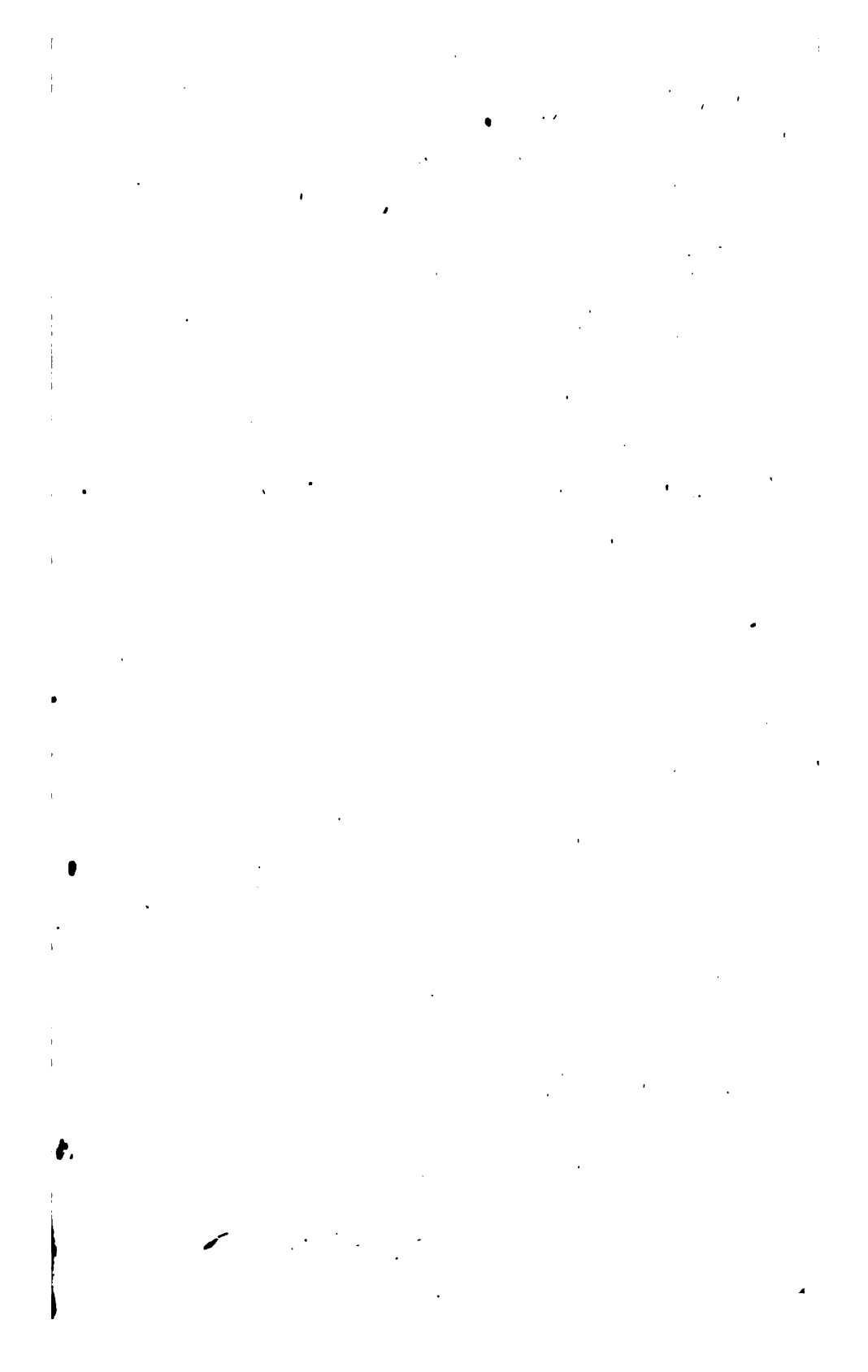
1. An act for the dissolution of the bishoprick of *Durham*, and also for the new erecting of the same bishoprick, and one other at *Newcastle*. *Rep. 1 Mar. sess. 3. c. 3.*

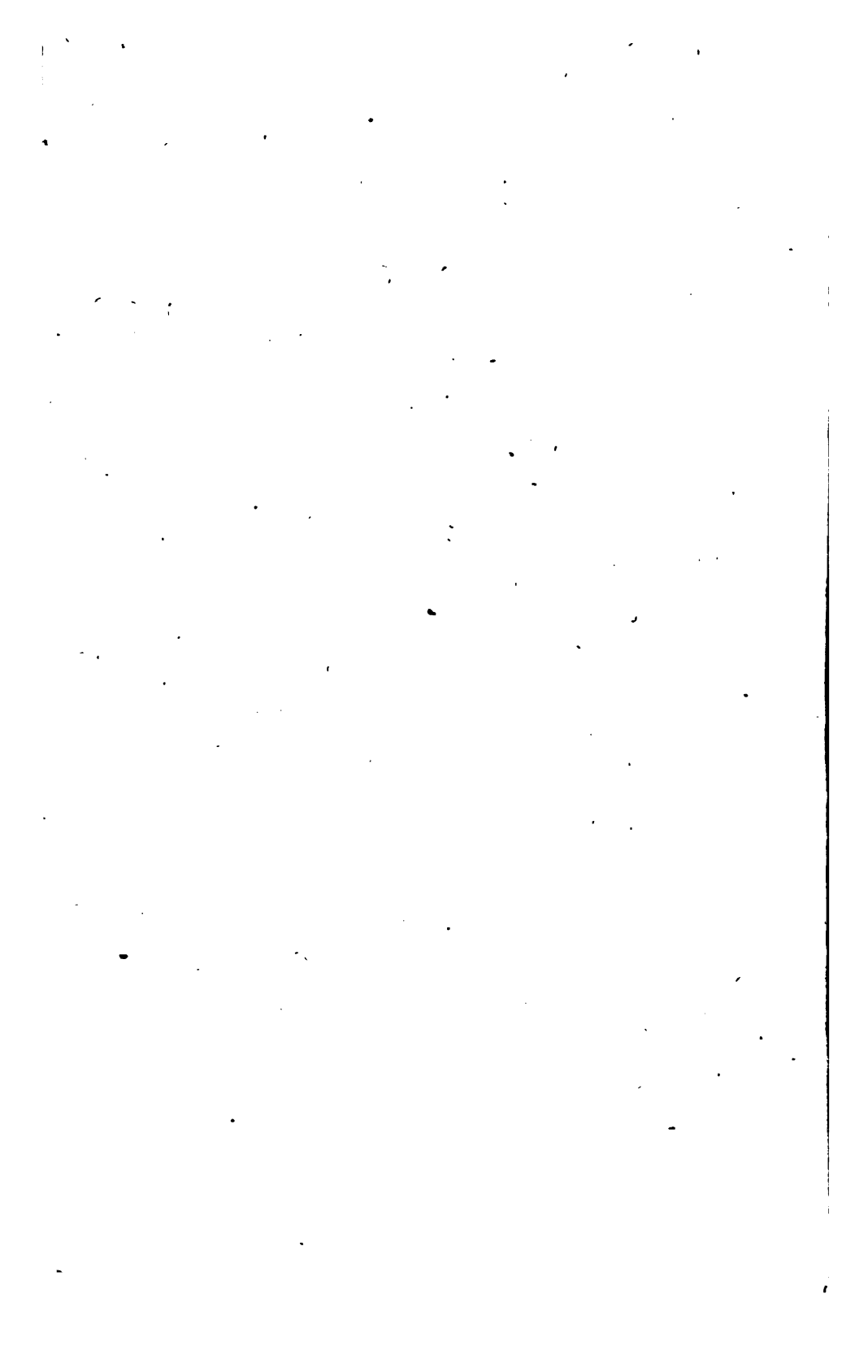
2. An act for the restitution in blood of *Sir Edward Seymour*, knight, son and heir of *Edward* duke of *Somerset*, and the lady *Katherine Fyloll* his first wife.

3. An act to make denizens the children of *Richard Hills*, and *Nicholas Wheeler*.

## END of the TABLE







# THE STATUTES at Large, &c.

Statutes made at *Westminster* Anno 32 HEN. VIII.  
and A. D. 1540.

**I**N the parliament begun at *Westminster* the eight and twentieth day of April, the one and thirtieth year of the reign of the most excellent, most high, and most mighty prince, Henry the Eighth, by the grace of God King of England and of France, defender of the faith, lord of Ireland, and in earth, under Christ, supreme head of the church of England, our most redoubted sovereign lord, there holden, and afterwards continued by divers prorogations unto the twelfth day of April in the ensuing year: in the last session thereof, begun the same twelfth day of April, and from the same holden unto the eleventh day of May, in the two and thirtieth year of his most prosperous reign, from the which it was by prorogation continued until the five and twentieth of the same month of May, and holden until the four and twentieth day of July, the said two and thirtieth year; at which day the said parliament was by his Grace's authority finished and dissolved: (2) amongst many other, the acts following, by his Highness, with the assent of the lords spiritual and temporal, and the commons, assembled in the said parliament, have been established, ordained and enacted.

## CAP. I.

*The act of wills, wards and primer seifins, whereby a man may devise two parts of his land.*

**W**HERE the King's most royal majesty in all the time of his most gracious and noble reign hath ever been a merciful, loving, benevolent and most gracious sovereign lord, unto all and singular his loving and obedient subjects, and by many times past hath not only shewed and imparted to them generally by his many, often, and beneficial pardons heretofore by authority of his parliament granted, but also by divers other ways and means many great and ample grants and benignities, in such wise as all his said subjects been most bounden to the uttermost of all their powers and graces by them received of God, to render and give unto his Majesty their most humble reverence and obedient thanks and services, with their daily and continual prayer to Almighty God, for the continual preservation of his most royal estate in most kingly honour and prosperity; (2) yet always his Majesty being repleat

The reasons  
for making  
this act.  
2 Roll. 383,  
425, 427.

Dyer 292.  
and 2 Anderf. 106.

and endowed by God with grace, goodness and liberality, most tenderly considering, that his said obedient and loving subjects cannot use or exercise themselves according to their estates, degrees, faculties and qualities, or to bear themselves in such wise, as that they may conveniently keep and maintain their hospitalities and families, nor the good education and bringing up of their lawful generations, which in this realm (laud be to God) is in all parts very great and abundant, but that in manner of necessity, as by daily experience is manifested and known, they shall not be able of their proper goods, chattels and other moveable substance, to discharge their debts, and after their degrees set forth, to advance their children and posterities: (3) wherefore our said Sovereign Lord, most virtuously considering the mortality that is to every person at God's will and pleasure most common and uncertain, of his most blessed disposition and liberality, being willing to relieve and help his said subjects in their said necessities and debility, is contented and pleased that it be ordained and enacted by authority of this present parliament, in manner and form as hereafter followeth; that is to say, (4) That all and every person and persons, having, or which hereafter shall have, any manors, lands, tenements or hereditaments, holden in soccage, or of the nature of soccage tenure, and not having any manors, lands, tenements or hereditaments, holden of the King our sovereign lord by knights service, by soccage tenure in chief, or of the nature of soccage tenure in chief, nor of any other person or persons by knights service, from the twentieth day of July in the year of our Lord God M.D.XL. shall have full and free liberty, power and authority to give, dispose, will and devise, as well by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life, all his said manors, lands, tenements or hereditaments, or any of them, at his free will and pleasure; any law, statute or other thing heretofore had, made or used to the contrary notwithstanding.

3 Bulfr. 124.  
Lands holden  
in soccage,  
and none in  
chief, or by  
knights ser-  
vice.

1 Bulfr. 165.

1 Roll. 65.

Godbolt 17.

pl. 21.

Moor 254.

pl. 401.

Cro. El. 100.

Dyer, 72,

127.

3 Leon. 5, 276.

Moor 342. pl.

c. 5. f. 3.

1 Leon. 113,

252, 267.

3 Leon. 28, 79.

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II. And that all and every person and persons, having manors, lands, tenements or hereditaments, holden of the King our sovereign lord, his heirs or successors, in soccage, or of the nature of soccage tenure in chief, and having any manors, lands, tenements or hereditaments, holden of any other person or persons in soccage, or of the nature of soccage tenure, and not having any manors, lands, tenements or hereditaments, holden of the King our sovereign lord by knights service, nor of any other lord or person by like service, from the twentieth day of July in the said year of our Lord God M.D.XL. shall have full and free liberty, power and authority to give, will, dispose and devise, as well by his last will or testament in writing, or otherwise by any act or acts lawfully executed in his life, all his said manors, lands, tenements and hereditaments, or any of them, at his free will and pleasure; any law, statute, custom or other thing heretofore had, made or used to the contrary notwithstanding.

III. Saving

III. Saving alway and reserving to the King our sovereign lord, his heirs and successors, all his right, title and interest of *primer seisin* and reliefs, and also all other rights and duties for tenures in soccage, of of the nature of soccage tenure in chief, as heretofore hath been used and accustomed, (2) the same manors, lands, tenements or hereditaments to be taken, had and freed out of and from the hands of his Highness, his heirs and successors, by the person or persons to whom any such manors, lands, tenements or hereditaments shall be disposed, willed or devised, in such and like manner and form, as hath been used by any heir or heirs before the making of this statute; (3) and saving and reserving also fines for alienations of such manors, lands, tenements, or hereditaments holden of the King our sovereign lord in soccage, or of the nature of soccage tenure in chief, whereof there shall be any alteration of freehold or inheritance, made by will or otherwise, as is aforesaid.

A saving of the King's *primer seisin*, and his fines for alienation. Explained by 34 & 35 H. 8. c. 5. l. 9.

IV. And it is further enacted by the authority aforesaid, That all and singular person and persons having any manors, lands, tenements, or hereditaments of estate of inheritance holden of the King's highness in chief by knights service, or of the nature of knights service in chief, from the said twentieth day of July shall have full power and authority, by his last will, by writing, or otherwise by any act or acts lawfully executed in his life, to give, dispose, will or assign two parts of the same manors, lands, tenements, or hereditaments in three parts to be divided, (2) or else as much of the said manors, lands, tenements, or hereditaments, as shall extend or amount to the yearly value of two parts of the same, in three parts to be divided, in certainty and by special divisions, as it may be known in fealty, (3) to and for the advancement of his wife, preferment of his children, and payment of his debts, or otherwise at his will and pleasure; any law, statute, custom, or other thing to the contrary thereof notwithstanding:

Lands holden of the King by knights service in chief. 1 Anderf. 147. Moor 726. pl. 1013. 6 Co. 75. 11 Co. 24. Dyer, 210. Co. Lit. 76. a.

2 Anderf. 107.

V. Saving and reserving to the King our sovereign lord, the custody, wardship and *primer seisin*, or any of them, as the case shall require, of as much of the same manors, lands, tenements or hereditaments, as shall amount and extend to the full and clear yearly value of the third part thereof, without any diminution, dower, fraud, covin, charge or abridgment of any of the same third part, or of the full profits thereof:

Wardship, *primer seisin*, and fines for alienations saved to the King. Dyer, 181, 191, 193, 308, 313, 370. Co. Lit. 78. a.

VI. Saving also and reserving to the King our said sovereign lord, all fines for alienations of all such manors, lands, tenements and hereditaments, holden of the King by knights service in chief, whereof there shall be any alteration of freehold or inheritance made by will or otherwise, as is above said.

VII. And be it enacted by authority aforesaid, That all and singular person and persons, having manors, lands, tenements, or hereditaments of estate of inheritance, holden of the King in chief by knights service, and having other manors, lands, tenements or hereditaments holden of the King, or of any other person or persons by knights service, or otherwise, every such

Lands holden of the King by knights service in chief, and other lands holden by knights service or

otherwife.  
Cro. El. 286.  
1 Roll. 67.  
Dyer, 158,  
366.  
6 Co. 17.  
11 Co. 23.  
13 Co. 49, 50.  
Dyer, 286, 313,  
354.

person and persons from the said twentieth day of *July* shall have full power and authority to give, dispose, will or assign by his last will in writing, or otherwise by any act or acts lawfully executed in his life, two parts of the same manors, lands, tenements or hereditaments, in three parts to be divided, or else as much of the same manors, lands, tenements and hereditaments, as shall extend or amount to the yearly value of two parts of the same, in three parts to be divided, in certainty and by special divisions, as it may be known in fealty, to and for the advancement of his wife, preferment of his children, payment of his debts, or otherwise at his will and pleasure; any law, statute, custom, or other thing to the contrary thereof notwithstanding:

Wardship, primer seisin, and fines for alienation, saved to the King.  
Dyer, 366.  
8 Co. 165.  
9 Co. 125, 131,  
137.  
Moor 38.  
P. 124.

VIII. Saving alway and reserving to the King our sovereign lord, the custody, wardship and *primer seisin*, or any of them, as the case shall require, of as much of the same manors, lands, tenements, or other hereditaments, as shall amount and extend to the full and clear yearly value of the third part thereof, without any manner diminution, dower, fraud, covin, charge or subtraction of the same third part, or of the full profits thereof:

IX. Saving also and reserving to our said sovereign lord the King, all fines for alienation of any such manors, lands, tenements or hereditaments, holden of the King by knights service in chief, whereof there shall be any alteration of freehold or inheritance made by will or otherwise, as is above said.

Lands holden by knights service of other lords than the King, and other lands holden in socage.

X. Be it further enacted by the authority above said, That if any person or persons hold any manors, lands, tenements or hereditaments, only of any other lord or person, than of the King our said sovereign lord, by knights service, and other lands and tenements in socage, or of the nature of socage tenure, that then every such person shall or may give, dispose or assure, by his last will, or otherwise by any act or acts lawfully executed in his life, two parts of the said manors, lands and tenements holden by knights service, (2) or of as much thereof as shall amount to the full yearly value of two parts, in manner and form as is above declared, and also all the lands and tenements holden by socage, or of the nature of socage tenure, at his will and pleasure, as is above written; (3) saving and reserving to the lord of the lands and tenements holden by knights service, for his custody and wardship, as much of the same lands and tenements as shall extend or amount to the full and clear yearly value of the third part of the same lands and tenements holden by knights service, without any diminution, dower, fraud, covin, charge or subtraction of any portion of that third part, or of the clear yearly value thereof, in manner and form aforesaid.

The lord's wardship, of the third part saved.  
Dyer, 367.  
2 Co. 25.  
Bro. Test. 19.

Lands holden of the King by knights service, and not

XI. And be it further enacted by the authority aforesaid, That if any person or persons hold any manors, lands, tenements or hereditaments, only of the King our sovereign lord by knights service, and not in chief, or hold any manors, lands,

tenements or hereditaments of our said sovereign lord by knights service, and not in chief, and also hold other manors, lands, tenements and hereditaments, of any other person or persons by knights service, and also hold other manors, lands, tenements or hereditaments, of any other person or persons in soccage, or of the nature of soccage tenure; that then all and every such person and persons shall and may give, dispose, will, devise and assure, by his last will, or otherwise by any act or acts lawfully done and executed in his life, two parts of the same manors, lands, tenements and hereditaments holden of our said sovereign lord the King by knights service, (2) and two parts of the manors, lands, tenements and hereditaments holden of any person or persons by knights service, (3) or as much of either of them as shall amount to the full yearly value of two parts, in manner and form as is above declared; (4) and also of all his lands and tenements so holden in soccage, or of the nature of soccage tenure, at his free will and pleasure:

XII. Saving and reserving to the King's highness, the custody and wardship of as much of the same manors, lands, tenements or other hereditaments, as shall extend and amount to the full and clear yearly value of the third part of the said manors, lands, tenements and hereditaments so holden of his Highness by knights service, without any diminution, dower, fraud, covin, charge and subtraction of any portion of that third part, or of the full profits thereof; (2) and also saving and reserving to the lords of whom any of the said manors, lands, tenements or other hereditaments been holden by knights service, for the custody and wardship, as much of the same manors, lands, tenements or hereditaments holden of them, or any of them, by knights service, as shall extend and amount to the full and clear yearly value of the third part of the same, without any diminution, charge, fraud, covin or subtraction of any portion of that third part, or of the clear yearly value of the third part thereof, in manner and form above declared.

XIII. Provided alway, and be it further enacted by the authority aforesaid, That if that third part of the manors, lands, tenements or hereditaments of any of the King's subjects, which in any of the cases abovesaid shall hereafter come to the King's highness, his heirs or successors, by virtue of this act, as is abovesaid, be not, or do not amount to the clear yearly value of the full third part of all the said manors, lands, tenements, or other hereditaments, whereof the King's highness is or shall be intituled to have the custody or *primer seisin*, as is abovesaid; that then our said sovereign lord, and his heirs, shall and may, at his or their free liberty and pleasure, take into his or their hands and possession, as much of the other two parts of the said manors, lands, tenements and other hereditaments, as with that of the same manors, lands, tenements or hereditaments holden or remaining in the King's hands, shall make up the clear yearly value of the full third part of the said manors, lands and tenements so to be had to the King's highness

Saving to the King and other lords, custody and wardship.  
Dyer, 191,

2 Co, 91,

The King or any other lord may take so much as will amount to his third part if it be not left unto them.

ness in title of wardship and *primer seisin*, or any of them, as the case shall require: (2) and like benefit and advantage to be given to every lord or lords, of whom any such manors, lands, tenements or hereditaments been or shall be holden by knights service, as is above said, concerning only his third part, of or for title of wardship.

Saving of liveries, paying for relief and heriots, for possessions, reversions, remainders, shall be as they have been. Fines for alienations upon common recoveries.

6 Co. 27.

Bro. alienation 32.

XIV. Provided alway, and be it further enacted by the authority aforesaid, That every person and persons shall sue their liveries for possessions, reversions or remainders, and also pay reliefs and heriots, after such manner and form as they should or ought to have done before the making of this act, and as if this act had never been made.

XV. And that fines for alienations shall be paid in the King's chancery, for and upon writs of entry in the *post*, to be obtained in the same court of chancery, after the said twentieth day of July, for common recoveries to be had or suffered of any manors, lands, tenements or hereditaments holden of the King in chief, in like manner and form as is used upon alienations of such manors, lands, tenements or hereditaments, so holden in chief, by fine or feoffment.

XVI. Provided also, and be it enacted by the authority aforesaid, That in such cases where fines for alienations shall be paid in the King's chancery for writs of entry in the *post*, as is aforesaid, that then none other fine shall be paid in the same court for any such writs; any usage or custom to the contrary thereof notwithstanding.

Two persons seized of lands holden of the King by knights service, and to the heirs of one of them. Women shall have their dowers of the two parts.

The reversion of the tenant in dower in the King, if the tenant do die during the minority of the King's ward.

9 Co. 126.

Bro. Gard. 100.

2 Leon. 131.

Co. Lit. 111. b.

XVII. And be it further enacted by the authority aforesaid, That where two or more persons now hold, or hereafter shall hold, any manors, lands, tenements or hereditaments, of the King our sovereign lord by knights service, jointly to them, and to the heirs of one of them, and he that hath the inheritance thereof dieth, his heir being within age, that in every such case the King shall have the ward, and marriage of the body of such heir so being within age; the life of the freeholder or freeholders of the said manors, lands, tenements or hereditaments so holden by knights service notwithstanding: (2) saving and reserving to all and every woman and women, all and every such right, title and interest of dower, as they or any of them ought to have, or be or shall be justly intituled to have, claim or demand of any manors, lands, tenements or hereditaments, by the laws of this realm, to be taken or assigned unto them, or any of them, out of the two parts of the said manors, lands, tenements or hereditaments, severed and divided from the third part as is above said, and not otherwise; (3) and saving also to the King our sovereign lord, his heirs and successors, the reversions of all such tenants in jointure and dower, immediately after the death of all such tenants, if they shall happen to die during the minority of the King's wards.

## CAP. II.

*The act of limitation with a proviso.*

**FORASMUCH** as the time of limitation appointed for suing of writs of right, and other writs of possession and seisin of mens Roll. 151. Stiles 100. The benefit of having a certain limitation of time for the certain possession of lands.

ancestors or predecessors, or of their own possession or seisin, by the laws and statutes of this realm heretofore made, limited and appointed, extend, and be of so far and long time past, that it is above the remembrance of any living man, truly to try and know the perfect certainty of such things, as hath or shall come in trial, or do extend unto the time and times limited by the said laws and statutes, to the great danger of mens consciences that have or shall be impannelled in any jury for the trial of the same; (2) and it is also a great occasion of much trouble, vexation and suits to the King's loving subjects at the common laws of this realm; so that no man, although he and his ancestors, and those whose estate he or they have, have been in peaceable possession of a long season, of and in lands, tenements and other hereditaments, is or can be in any surety, quietness or rest, of and in the same, without a good remedy and reformation be had, made and provided for the same: (3) be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no manner of person or persons shall from henceforth sue, have or maintain any writ of right, (4) or make any prescription, title or claim of, to or for any manors, lands, tenements, rents, annuities, commons, pensions, portions, corrodies or other hereditaments, (5) of the possession of his or their ancestor or predecessor, and declare and alledge any further seisin or possession of his or their ancestor or predecessor, but only of the seisin or possession of his ancestor or predecessor, which hath been, or now is, or shall be seized of the said manors, lands, tenements, rents, annuities, commons, pensions, portions, corrodies or other hereditaments, within three score years next before the *teste* of the same writ, or next before the said prescription, title or claim so hereafter to be sued, commenced, brought, made or had.

The limitation of prescription in a writ of right. This clause not extend to writs of right of advowson, &c.  
1 M. sess. 1. c. 5. f. 4.  
Bro. Limitat. 2.  
Co. Lit. 115. a.  
Cro. Car. 31.

II. And be it further enacted by the authority aforesaid, That no manner of person nor persons shall hereafter sue, have or maintain any assise of mort-ancestor, cosinage, ayel, writ of entry upon disseisin done to any of his ancestors or predecessors, or any other action possessory, upon the possession of any of his ancestors or predecessors, for any manors, lands, tenements or other hereditaments, of any further seisin or possession of his or their ancestor or predecessor, but only of the seisin or possession of his or their ancestor or predecessor, which was, or hereafter shall be seized of the same manors, lands, tenements or other hereditaments, within fifty years next before the *teste* of the original of the same writ hereafter to be brought.

Bulst. 162. Limitation of prescription to actions possessory.

III. And be it further enacted by the authority aforesaid, That no person nor persons shall hereafter sue, have or maintain any action Concerning suit for land of his own possession.

action for any manors, lands, tenements, or other hereditaments of or upon his or their own seisin or possession therein, above thirty years next before the *teste* of the original of the same writ hereafter to be brought.

Avowry or cognizance for any rent, suit or service.  
Co. Lit. 268.  
Moor 31.  
pl. 102.

Hetly 28, 44.

1 Roll. 50.

3 Lev. 21.

1 Vern. 195.

\* Examined

with the record.

W. 8. Co. 64. b.

Formedons in

reverter or re-

mainder, scire

fac' upon fines.

Altered by 21

Jac. 1. c. 16. f. 1.

Bro. Avow.

107.

Dyer 278, 315.

Bar for de-

fault of seisin

within the

time of limita-

tion.

A proviso for suits depending A. D. 1546.

IV. And be it also enacted by the authority aforesaid, That no person nor persons shall hereafter make any avowry or cognizance for any rent, suit or service, and alledge any seisin of any rent, suit or service in the same avowry or cognizance, in the possession of his or their ancestors or predecessor or predecessors, or in his own possession, or in the possession of any other, whose estate he shall pretend or claim to have above fifty years next before the making of the said avowry or cognizance.

V. And over that be it enacted by the authority aforesaid, That all formedons in reverter, formedons in remainder, and *scire facias* upon fines, of any manors, lands, tenements, or other hereditaments, at any time hereafter to be sued, shall be sued, used and taken within fifty years next after that the title and cause of action fallen, and at no time after the said fifty years passed.

VI. And be it also enacted by the authority aforesaid, That if any person or persons at any time hereafter do sue any of the said actions or writs, for any manors, lands, tenements or other hereditaments, (2) or make any avowry, cognizance, prescription, title or claim of or for any rent, suit, service or other hereditaments, (3) and cannot prove that he or they, or his or their ancestors or predecessors, were in actual possession or seisin of and in the same manors, lands, tenements, rents, suits, services, annuities, commons, pensions, portions, corrodiæ or other hereditaments, at any time or times within the years before limited and appointed in this present act, and in manner and form as is aforesaid, (4) if the same be traversed or denied by the party plaintiff, demandant, or avowant, or by the party tenant or defendant, that then and after such trial therein had, all and every such person and persons and their heirs, shall from henceforth be utterly barred for ever, of all and every the said writs, actions, avowries, cognizance, prescription, title, or claim hereafter to be sued, had or made, of and for the same manors, lands, tenements, hereditaments or other the premises, or any part of the same, for the which the same action, writ, avowry, cognizance, prescription, title or claim hereafter shall be at any time had, sued or made.

VII. Provided alway, and be it enacted by the authority aforesaid, That all and every person and persons which now have any of the said actions, writs, avowries, *scire facias*, cognizance, prescription, title or claim depending, or that hereafter shall sue, commence, make or bring any of the said writs or actions, or make any of the said avowries, cognizances, prescriptions, titles or claim, at any time before the feast of the Ascension of our Lord God, which shall be in the year of our Lord God a thousand five hundred forty and six, shall alledge the seisin of his or their ancestors or predecessors, or his own possession and seisin, and

and also have all other like advantages to all intents and purposes in the same writs, actions, avowries, cognizances, prescriptions, titles and claims, as he or they might have had at any time before the making of this estatute; this act or any thing therein contained to the contrary notwithstanding.

VIII. Provided also, and be it further enacted by the authority aforesaid, That if any person or persons now being within the age of twenty-one years, or covert baron, or in prison, or out of this realm of *England*, now having cause to have, sue, commence, make or bring any of the said writs or actions, or to make any avowries, cognizances, prescriptions, titles or claims, that it shall be lawful to such person or persons being within age, covert baron, in prison, or out of this realm, to sue, commence, or bring any of the said writs or actions, or make any of the said avowries, cognizances, prescriptions, titles or claims, at any time within six years next after such person or persons, now being within age, shall accomplish the age of one and twenty years, or within six years next after such person or persons, now being covert baron, shall be sole, or within six years next after such person or persons, now being in prison, shall be set at his liberty, or within six years next after such person or persons, now being out of this realm, shall come and be within this realm: (2) And that every such person and persons in their said actions, writs, avowries, cognizances, prescriptions, titles or claims to be made, sued or commenced within the said six years, shall alledge within the six years the seisin of his or their ancestors or predecessors, or of his own possession, or of the possession of those whose estate he shall then claim; (3) and also within the same six years shall have all and every like advantages to all intents and purposes in the same, as he or they might have had before the making of this act, and as though this act had never been had ne made; this act nor any thing therein contained to the contrary notwithstanding.

A proviso to relieve women covert, infants within age, persons in prison, or out of the realm, at the time of this statute made.

IX. Provided also, That if it happen the said person or persons, now being within age, or covert baron, in prison, or out of this realm, having cause to sue, commence, make or bring any the said writs, actions, avowries, cognizance, prescription, title or claim, to de cease within age, or being covert, as is aforesaid, or during the time he or they shall be in prison or out of this realm, or to de cease within six years next after such person or persons shall accomplish his or their full ages, or shall be at large within this realm, or shall become sole, and no determination or judgment had of such titles, actions or rights, so to them accrued; that then the next heir or heirs of such person or persons being in prison, or out of this realm, or within age, or being covert baron, so dying, shall have and enjoy all and every such liberty and advantage to sue, demand, advow, declare or make their said titles, claims or prescriptions within six years next after the death of such person or persons now imprisoned or being out of this realm, or within age, or covert de baron, in such or like manner and form to all intents and purposes,

A remedy to relieve the heirs of an infant, a woman covert, any person in prison, or out of the realm, if the party himself die before judgment.

purposes, as the same infant after his full age, or the said woman covert after the death of her husband, or the same person being out of this realm after his repair or coming into the same, or the said person imprisoned after his enlargement and coming out of prison, should or might have had within six years then next ensuing, by force and virtue of the provision last before rehearsed; any thing in this act contained to the contrary thereof in any wise notwithstanding.

A remedy for the heir, if the suit of his ancestor abate before judgment.

X. Provided also, That if any person or persons before the said feast of the Ascension of our Lord God, which shall be in the said year of our Lord God one thousand five hundred and forty six, commence and sue any of the said actions or writs, or make any avowry, prescription, title or claim, and the same action, writ, avowry, cognizance, prescription, title or claim happen, by the death of any of the parties to the same, to be abated before judgment or determination thereof had; that then the said person or persons, being demandants or avowants, or making any such cognizance, prescription, title or claim, being then alive, and if not, then the next heir or heirs of such person or persons so deceased, may commence and pursue his or their action and suit, and make his or their avowry, cognizance, prescription, title or claim, for or upon the same matter, within one year next after such action or suit abated, and shall have and enjoy all and every such liberty and advantage to sue, demand, avow, declare or make their said titles, claims or prescriptions, within the said one year, as the demandant or demandants in such writ or suit abated, or as such as did avow or make cognizance, title or claim, or prescription, should or might have done, had, used, made or enjoyed in the said former action or suit; any thing in this act to the contrary notwithstanding.

The party grieved may have an attain upon a false verdict given.

XI. Provided furthermore, That if any false verdict happen hereafter to be given or made in any of the said actions, suits, avowries, prescriptions, titles or claims, that then the party grieved by reason of the same shall and may have his attain upon every such verdict so given or made, and the plaintiff in the same attain, upon judgment for him given, shall have his recovery, execution and other advantage, in like manner and form as heretofore hath been used and accustomed; any thing before in this act contained to the contrary thereof notwithstanding.

### CAP. III.

*For the continuation of certain acts.*

Statutes continued concerning burning in the hand, &c.

22 H. 8. c. 14.  
Trial of foreign pleas.

**W**HERE in the last parliament begun and holden at London the third day of November in the twenty-first year of the King's most gracious reign, and from thence adjourned to Westminster, and there holden and continued by sundry prorogations;

It was enacted among other things, That all foreign pleas triable by the country, which should be pleaded by any person or persons arraigned upon any indictment for any petty treason, murder or felony, should be

be tried before the same justices afore whom such persons should be arraigned, and by the same jurors of the county that shall try the petty treason, murder or felony, without any further respite or delay; (2) and that no person or persons arraigned for any petty treason, murder or felony, should be admitted to any peremptory challenge above the number of twenty; (3) which act was made to endure to the end of the next parliament, as by the said act, amongst divers clauses and provisions contained in the same, more plainly is expressed.

II. And where also in the same parliament it was enacted, That no person or persons which should happen to be found guilty after the laws of this realm, for any manner of petty treason, or for any wilful murder of malice prepensed, or for robbing of churches, chapels or other holy places, or for robbing of any person or persons in their dwelling-houses or dwelling-place, the owner and dweller in the said house, his wife, his children or servants then being within, and put in fear and dread by the same, or for robbing of any person or persons in or near about the highways, or for wilful burning of any dwelling houses, or barns wherein any corn or grain shall chance to be; (2) nor that any person or persons being found guilty of any abetment, procurement, helping, maintaining or counselling of or to any such petty treason, murders or felonies, should be admitted to the benefit of their clergy, (such as be within holy orders, that is to say, of the orders of subdiacon, or above, all only except) with many other clauses and provisions contained in the said act, as by the same act more plainly appeareth; (3) which act was also made to continue and endure to the last day of the next parliament.

23 H. 8. c. 1.  
Clergy taken  
away from of-  
fenders in cer-  
tain cases.

III. And where also in the same parliament it was further enacted, That every such person and persons, which should happen to be indicted of any petty treason, wilful burning of houses, murder, robbery, or burglary, or other felony, according to the tenor and meaning of the said estatute next above rehearsed, and thereupon arraigned, did stand mute of malice or froward mind, or challenge peremptory above the number of twenty persons, or will not answer directly to the same indictment and felony whereupon they shall be arraigned, that then every such person and persons should lose the benefit and privilege of their clergy.

25 H. 8. c. 3.  
A felon stand-  
ing mute,  
challenging a-  
bove xx. or  
not answering  
directly.

IV. And it was also ordained by the same act, That if any person or persons be indicted and found guilty for stealing of any goods or chattels in any county of this realm, or, being indicted, stand mute of malice, or challenge peremptory above the number of twenty persons, or will not answer directly to the law, should also lose the benefit of their clergy, in like manner and form as they should have done if they had been indicted, arraigned and found guilty in the same county where the same robbery or burglary was done, if it shall appear to the justices by evidence or examination, that the said felons or robbers arraigned afore them should or ought to have lost their clergy by force of the said estatute, in case they had been found guilty of the same felonies or burglaries in the same shire where they were committed, as by the said act, amongst other things, more at large is expressed.

V. And where also in the said parliament it was further ordained, That the detestable vice of buggery, committed with mankind or beast, should

25 H. 8. c. 6.  
Buggery shall  
be felony.

should be felony, and that the offenders therein should lose the benefite of their clergy; (2) which act was made to endure to the last day of the next parliament, as by the same act, amongst other things, it appeareth more at large.

28 H. 8. c. 1.  
Such as be  
within orders  
shall be used  
as others be.

VI. And where also in the parliament begun and holden at Westminster the eighth day of June in the twenty-eighth year of the reign of our said most dread sovereign lord King Henry the Eighth, and there continued and kept until the dissolution thereof, it was ordained and enacted, That all and singular the said several acts above remembered, and every of them, should continue and endure in their force and strength, and also be observed and kept until the last day of the next parliament; (2) and it was also ordained by the authority of the same parliament, that such as be within holy orders should from thenceforth stand and be under the same pains and dangers for the offences contained in any of the said statutes, and be used and ordered to all intents and purposes, & other persons not being within holy orders, any provision or exception specified in any of the said acts, or any other usage or custom of this realm to the contrary thereof notwithstanding, as by the same acts, among other things therein contained, more plainly appeareth. (3) And forasmuch as all and singular the said several acts above mentioned be good and be beneficial for the common wealth of this realm:

The aforesaid  
statutes made  
perpetual.

VII. Be it therefore enacted and ordained by the authority of this present parliament, That all and singular the said several acts, and every of them, and all clauses, articles and provisions in them and every of them contained, shall continue and endure in their force and strength, and be observed and kept for ever.

This clause  
seems to be re-  
pealed by 1 M.  
stat. 1. c. 1. f.  
5.

VIII. And be it also enacted by authority of this present parliament, That such persons as be or shall be within holy orders, which by the laws of this realm ought or may have their clergy for any felonies, and shall be admitted to the same, shall be brent in the hand in like manner and form as lay clerks be accustomed in such cases, (2) and shall suffer and incur afterward all such pains, dangers and forfeitures, as be ordered and used for their offences of felony, to all intents, purposes and constructions, as lay persons admitted to their clergy be or ought to be ordered and used by the laws and statutes of this realm; any statutes, laws, provisions, privileges, customs or any other thing to the contrary thereof heretofore used notwithstanding.

#### CAP. IV.

Altered by 7  
& 2 Ph. & M.  
c. 10. f. 8.

Treasons shall be tried that be committed in Wales, or where the King's writ runneth not, in such shires, and before such commissioners as the King shall from time to time assign by his commission.

#### CAP. V.

*For the continuation of debts upon execution.*

A remedy for  
the cognizee

WHEREAS before this time divers and sundry persons have sued executions, as well upon judgments for them given of their debts

debts and damages, as upon such statutes merchant, statutes of the staple or recognizances, as have been to them before made, recognized and knowledged, and thereupon such lands, tenements and other hereditaments as were liable to the same execution, have been by reasonable extent to them delivered in execution for the satisfaction of their said debts and damages, according to the laws of this realm; (2) nevertheless it hath been oftentimes seen, that such lands, tenements and hereditaments, so delivered and had in execution, have been recovered or lawfully divested, taken away, or evicted from the possession of the said recoverers, obligees or recognizees, their executors or assigns, before such time as they have been fully satisfied and paid off their said debts and damages, without any manner fraud, deceit, covin, collusion or other default in the said recoverers, obligees or recognizees, their executors or assigns; (3) by reason whereof the said recoverers, obligees and recognizees have been thereby set clearly without remedy by any manner suit of the law, to recover or come by any such part or parcel of their said debts and damages as was behind, and not by them levied or received before such time as the said lands, tenements and other hereditaments, so by them had in execution, were recovered, lawfully divested, taken or evicted out of and from their possessions, as is aforesaid, to their great hurt and loss, and much seeming to be against equal justice and good conscience; (4) for reformation whereof, be it enacted by authority of this present parliament, That if hereafter any such lands, tenements or hereditaments, as be, or shall be had, and delivered to any person or persons in execution, as is aforesaid, upon any just and lawful title, matter, condition, or cause, wherewithal the said lands, tenements and hereditaments were liable, tied and bound at such time as they were delivered and taken into execution, shall happen to be recovered, lawfully divested, taken or evicted out of and from the possession of any such person and persons, as now have and hold, or hereafter shall have and hold the same in execution, as is aforesaid, without any fraud, deceit, covin, collusion or other default of the said tenant or tenants by execution, before such time as the said tenants by execution, their executors or assigns, shall have fully and wholly levied or received the said whole debt and damages, for the which the said lands, tenements and other hereditaments were delivered and taken in execution, as is aforesaid, (5) then every such recoverer, obligee and recognizee, shall and may have and pursue a writ of *Scire facias* out of the same court from whence the said former writ of execution did proceed, (6) against such person or persons as the said writ of execution was first pursued, their heirs, executors or assigns, (7) of such lands, tenements or hereditaments as were or been then liable or charged to the said execution, (8) returnable into the same court at a certain day, being full forty days after the date of the same writ, (9) at which day if the defendant, being lawfully warned, make default, or appear and do not shew and plead a sufficient matter or cause (other than the acceptance of the said lands, tenements or hereditaments by the said former writ of execution) to bar, avoid or discharge the said suit for the residue of the said debt and damages remaining unlevied or unreceived by the said former

or obligee, where lands delivered to him in execution be recovered from him.

2 Bullf. 97.  
Godbolt 258.  
pl. 354.

4 Co. 66.  
Plowd. 72.  
Co. Lit. 289.b.  
13 Ed. 1. stat.  
1. c. 45.  
2 Cro. 693.

mer execution, then the lord chancellor, or other such justice or justices before whom such writ of *Scire facias* shall be returnable, shall make effoons a new writ or writs out of the said former record of judgment, statute merchant, statute staple or recognizance of like nature and effect as the said former writ of execution was, for the levying of the residue of all such debt and damage as then shall appear to be unlevied, unsatisfied or unpaid of the whole sum or sums in the said former writ of execution contained; any law, custom, or other thing to the contrary heretofore used in any wise notwithstanding.

## C A P. VI.

23 H. 8. c. 16. Whosoever shall deliver any horse into Scotland, or the batable  
1 Eliz. c. 7. ground, to the use of a Scottish man, without the King's li-  
REP. 4. Jac. cence, shall be adjudged a felon, and the wardens of the  
1. c. 1. marches may hear and determine such felonies.

## C A P. VII.

*For the true payment of tithes and offerings.*

This act is  
confirmed and  
enlarged by  
2 & 3 Ed. 6.  
c. 13.

WHERE divers and many persons inhabiting in sundry counties and places of this realm, and other the King's dominions, not regarding their duties to Almighty God, and to the King our sovereign lord, but in few years past more contemptuously and commonly presuming to offend and infringe the good and wholesome laws of this realm, and gracious commandments of our said sovereign Lord, than in times past hath been seen or known, have not letted to subtraie and withdraw the lawful and accustomed tithes of corn, hay, pasturages, and other sort of tithes and oblations commonly due to the owners, proprietaries and possessors of the parsonages, vicarages and other ecclesiastical places of and within the said realm and dominions, (2) being the more encouraged thereunto, for that that divers of the King's subjects, being lay persons, having parsonages, vicarages and tithes to them, and to their heirs, or to them, and to their heirs of their bodies lawfully begotten, or for term of life, or years, cannot by the order and course of the ecclesiastical laws of this realm, sue in any ecclesiastical court for the wrongful withholding and detaining of the said tithes or other duties, (3) nor cannot by the order of the common laws of this realm have any due remedy against any person or persons, their heirs or assigns, that wrongfully detaineth or withholdeth the same; (4) by occasion whereof much controversy, suit, variance and discord is like to insurge and ensue among the King's subjects, to the great detriment, damage and decay of many of them, if convenient and speedy remedy therefore be not had and provided:

Tithes shall  
be paid ac-  
cording to the  
custom of the  
parish where  
they be due.

II. Wherefore it is ordained and enacted by our said sovereign lord the King, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all and singular persons of this his said realm, or other his dominions, of what estate, degree or condition soever he or they be, shall fully, truly and effectually divide, set out, yield or pay all and singular tithes and offerings aforesaid, according to the lawful customs and usages

usages of the parishes and places where such tithes or duties shall grow, arise, come or be due; (2) and in case that it shall happen any person or persons, of his or their ungodly or perverse will and mind, to detain and withhold any of the said tithes or offerings, or any part or parcel thereof, then the person or party, being ecclesiastical or lay person, having cause to demand or have the said tithes or offerings, being thereby wronged or grieved, shall and may convent the person or persons so offending before the ordinary, his commissary, or other competent minister, or lawful judge of the place where such wrong shall be done, according to the ecclesiastical laws; (3) and in every such cause or matter of suit, the same ordinary, commissary, or other competent minister or lawful judge, having the parties or their lawful procurators before him or them, shall and may by virtue of this act proceed to the examination, hearing and determination of every such cause or matter ordinarily or summarily, according to the course and process of the said ecclesiastical laws, and thereupon may give sentence accordingly.

Cro. El. 607.  
The offender  
convented be-  
fore the or-  
dinary.

III. And in case that any of the parties, for any cause or matter concerning that suit, do appeal from the sentence, order and definitive judgment of the said ordinary, or other competent judge, as is aforesaid, then the same judge by virtue of this act forthwith upon such appellations made, shall adjudge to the other party the reasonable costs of his suit therein before expended; (2) and shall compel the same party appellant to satisfy and pay the same costs so adjudged by compulsory process, and censures of the said laws ecclesiastical, (3) taking surety of the other party to whom such costs shall be adjudged and paid, to restore the same costs to the party appellant, if after the principal cause of that suit of appeal shall be adjudged against the same party to whom the same costs shall be yielded; (4) and so every ordinary or other competent judge ecclesiastical, by virtue of this act, shall adjudge costs to the other party upon every appeal to be made in any suit or cause of subtraction or detention of any tithes or offerings, or in any other suit to be made for or concerning the duty of such tithes or offerings.

The appellant  
shall pay costs  
of suit to the  
other party.  
Cro. El. 178.

IV. And further be it enacted by the authority aforesaid, That if any person or persons, after such sentence definitive given against them, obstinately and willfully refuse for to pay their tithes or duties, or such sums of money so adjudged, wherein they be condemned for the same, that then two justices of the peace for the same shire, whereof one to be of the *quorum*, shall have authority by this act, upon information, certificate or complaint to them made in writing by the said ecclesiastical judge that gave the same sentence, to cause the same party so refusing, to be attached and committed to the next gaol, and there to remain without bail or mainprize till he or they shall have found sufficient sureties to be bound by recognizance or otherwise, before the same justices, to the use of our said sovereign lord the King, to perform the said definitive sentence and judgment.

The offender  
shall be bound  
by two justices  
of the peace  
to obey the  
ordinary's  
sentence.

Lands discharged of tithes.

Co. pl. f. 454.  
2 & 3 Ed. 6.  
c. 13. f. 4.

The inhabitants of London. 2 Co. 44.

Recoveries may be had, and conveyances made in temporal courts, of tithes, as of lands.

Co. Lit. 159. a.

11 Co. 25.

Judgments given, and

V. Provided always, and be it enacted by the authority aforesaid, That no person or persons shall be sued, or otherwise compelled to yield, give or pay any manner of tithes for any manors, lands, tenements or other hereditaments, which by the laws or statutes of this realm are discharged, or not chargeable with the payment of any such tithes.

VI. Provided also, and be it enacted by authority aforesaid, That this act nor any thing therein contained shall in any wise bind the inhabitants of the city of *London*, and suburbs of the same, for to pay their tithes and offerings within the same city and suburbs otherwise than they ought or should have done before the making of this act; any thing in this act contained to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, That in all cases where any person or persons which now have, or which hereafter shall have, any estate of inheritance, freehold, term, right or interest of, in or to any parsonage, vicarage, portion, pension, tithes, oblations or other ecclesiastical or spiritual profit, which now be, or hereafter shall be made temporal, or admitted to be, abide and go to or in temporal hands and lay uses and profits by the law or statutes of this realm, shall hereafter fortune to be disseised, deforced, wronged or otherwise kept or put from their lawful inheritance, estate, seisin, possession, occupation, term, right or interest of, in, or to the same, or of, in, or to any parcel thereof, by any other person or persons claiming or pretending to have interest or title in or to the same; (2) that then in all and every such case or cases, the person or person so disseised, deforced, or wrongfully kept or put from his or their right or possession as is afore rehearsed, their heirs, wives and such other to whom such injury and wrong shall be done or committed, shall and may have their remedy in the King's temporal courts, or other temporal courts, as the case shall require, for the recovery, getting or obtaining of such inheritance, estate, freehold, seisin, possession, term, right or interest, (3) by writs original of *Præc' quod reddat*, assise of *Novel disseisin*, *Mortdanc'*, *quod ei deforciat*, writs of dower, or other writs original, as the case shall require, to be devised and granted in the King's court of chancery, of every such parsonage, vicarage, portion, pension, or other profit called ecclesiastical or spiritual, so to be demanded, according to the nature and cause of the suit thereof, (4) in like manner and form as they should, ought or might have had, of or for lands, tenements or other hereditaments, in such manner to be demanded: (5) and that writs of covenant and other writs for fines to be levied, and all other assurances to be had, made or conveyed, of any such parsonage, vicarage, portion, pension or other profit called ecclesiastical or spiritual as is aforesaid, shall be hereafter devised and granted in the said chancery according as hath been used for fines to be levied, and assurance to be had, made or conveyed, of lands, tenements or other hereditaments: (6) and that all judgments to be given upon any of the said writs

writs original, so to be devised or granted of or for any the King's courts, of premises, or any of them, and all fines to be levied and know- tithes, shall be ledge in any of the King's said courts thereof, shall be of like of like force as force and effect in the law, to all intents and purposes, as judg- of lands. ments given, and fines levied of lands, tenements and heredita- ments in the same courts upon writs original therefore duly pur- sued and prosecuted, albeit no such form of writs original out of the said court of chancery have heretofore proceeded or been awarded.

VIII. Provided always, That this last act shall not extend Remedy shall nor be expounded to give any remedy, cause of action or suit be had for in the courts temporal against any person or persons which tithes, and shall refuse or deny to set out his or their tithes, or which shall offerings in detain, withhold or refuse to pay his tithes or offerings or any in the spiritual courts, and parcel thereof; (2) but that in all such cases the person or not in the party, being ecclesiastical or lay person, having cause to de- temporal, mand or have the said tithes or offerings and thereby wronged or grieved, shall take and have their remedy for their said tithes or offerings in every such case in the spiritual courts, accord- ing to the ordinance in the first part of this act mentioned, and 27 H. 8. c. 20, not otherwise; any thing herein expressed to the contrary there- 2 Co. 43. of notwithstanding.

## CAP. VIII.

Whosoever shall sell or buy any pheasant or partridge (saving the officers of the King's, Queen's or Prince's houses) shall for- 1 Jac. 1. c. 27. feit for every pheasant vj. s. viij. d. and for every partridge iij. s. iv. d. to the King, &c. To endure until the last day of the next parliament.

## CAP. IX.

*The bill of bracerie and buying of titles.*

THE King our sovereign lord, calling to his most blessed remem- 1 Roll. 447. brance, that there is nothing within this realm that conserveth 4 Mod. 24. his loving subjects in more quietness, rest, peace and good concord, Savil 42. than the due and just ministracion of his laws, and the true and in- No person different trials of such titles and issues, as been to be tried according shall sell or to the laws of this realm, (2) which his most royal Majesty perceiveth to buy any right be greatly bindred and lettied by mainteinance, embracerie, champerty, or title, or subornacion of witneses, sinister labour, buying of titles and pre- maintain it, tended rights of persons not being in possession, (3) whereupon great or procure maintenance in any suit. All statutes perjury hath ensued, and much inquietness, oppression, vexation, made concern- troubles, wrongs and disinheritaunce hath followed among his most ing mainte- loving subjects, to the great displeasure of Almighty God, the discon- nance em- tentation of his Majesty, and to the great hindrance and let of justice bracerie and within this his realm: (4) for the avoiding of all which misde- shall be put in meanors, and buying of titles and pretended rights, and to the execution. intent that justice may be more fully and indifferently ministred, 1 Leon. 166, and the truth in causes of contention plainly tried between his 208. subjects of this realm: (5) be it enacted by our said sovereign 2 Leon. 39, 40. lord, with the assent of the lords spiritual and temporal, and Co. pl. f. 258, the commons, in this present parliament assembled, and by 364. Moor 266. pl. the 414.

Leon. 233.  
Hob. 115.  
Godb. 450.  
Goldsb. 101.  
pl. 6.  
Hetley 164.  
Plowd. 78.  
Dyer 74.  
Co. 26.  
Bro. Maintenance 38.  
Cro. El. 257.  
Cro. Car. 43.  
232.

the authority of the same, That from henceforth all statutes heretofore made concerning maintenance, champerty and embrobery, or any of them, now standing and being in their full strength and force, shall be put in due execution; according to the tenures and effects of the same statutes.

II. And over that, be it further enacted by the authority aforesaid, That no person nor persons, of what estate, degree or condition soever he or they be, shall from henceforth bargain, buy, or sell, or by any ways or means obtain, get or have any pretended rights or titles, or take promise, grant or covenant to have any right or title of any person or persons, in or to any manors, lands, tenements or hereditaments (except such person or persons, which shall so bargain, sell, give, grant, covenant or promise the same, their antecessors, or they by whom he or they claim the same, have been in possession of the same, or of the reversion or remainder thereof, or taken the rents or profits thereof, by the space of one whole year next before the said bargain, covenant, grant or promise made) (2) upon pain that he that shall make any such bargain, sale, promise, covenant or grant, to forfeit the whole value of the lands, tenements or hereditaments, so bargained, sold, promised, covenanted or granted, contrary to the form of this act; (3) and the buyer and taker thereof, knowing the same, to forfeit also the value of the said lands, tenements or hereditaments so by him bought or taken as is aforesaid; (4) the one half of the said forfeitures to be to the King our sovereign lord, and the other half to the party that will sue for the same in any of the King's courts of record, by action of debt, bill, plaint or information; in which action, bill, plaint or information, no essoin, protection, wager of law, nor injunction shall be allowed.

None shall buy any pretended right in any land, unless the seller hath taken the profit one year before.  
Anderf. 76, 78, 201.

Unlawful maintaining of a suit depending in any of the King's courts.  
Goldsb. 113.  
pl. 1.  
Rast. pl. f. 430.  
El. c. 9.  
Bro. maintenance, 1, 3, 5, 6, 7, 8, 9, 13, 14, 16, 17, 18, 29, 23, 24, 27, 28, 30, 32, 34, 39, 40, 41, 42, 43, 48, 49, 50, 51, 53.  
The penalty is enlarged to 40s.  
by El. c. 9. f. 3.

III. And furthermore, That no manner of person or persons, of what estate degree or condition soever he or they be, do hereafter unlawfully maintain, or cause, or procure any unlawful maintenance, in any action, demand, suit or complaint in any of the King's courts of the chancery, the star-chamber, *Whitehall*, or elsewhere within any of the King's dominions of *England* and *Wales*, or the marches of the same, where any person or persons have or hereafter shall have authority, by virtue of the King's commission, patent or writ, to hold plea of lands, or to examine, hear or determine any title of lands, or any matter or witnesses concerning the title, right or interest of any lands, tenements or hereditaments; (2) and also that no person nor persons, of what estate, degree or condition soever he or they be, do hereafter unlawfully retain, for maintenance of any suit or plea, any person or persons, or embrace any freeholders or jurors, or suborn any witness, by letters, rewards, promises, or any other sinister labour or means, for to maintain any matter or cause, or to the disturbance or hindrance of justice, or to the procurement or occasion of any manner of perjury by false verdict or otherwise, in any manner of courts aforesaid, (3) upon pain to forfeit for every such offence x. li. the one moiety thereof unto the King  
bur

our sovereign lord, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information in any of the King's courts; in which action, no essoin, protection, wager of law, nor injunction shall be allowed.

IV. Provided alway, and be it enacted by the authority of the foresaid; That it shall be lawful to any person or persons being in lawful possession by taking of the yearly farm, rents or profits, of or for any manors, lands, tenements or hereditaments; to buy; obtain, get or have, by any reasonable ways or means, the pretended right or title of any other person or persons, hereafter to be made to, of, or in such manors, lands, tenements or hereditaments, whereof he or they shall so be in lawful possession; any thing in this act contained to the contrary notwithstanding:

V. And for the due execution of this present act; be it further enacted by authority above said, That the justices of assize of every circuit within this realm, and elsewhere within the King's dominions, shall in every county within their circuits, two times in the year; that is to say, in the time of their sittings for the taking of assizes or delivery of the gaols, cause open proclamation to be made; as well of this present act, and of every thing therein contained, (2) as also of all other statutes heretofore made against unlawful maintenance, champerty, embracery or unlawful retainers; to the intent that no manner of person or persons, hearing the same, should be ignorant or misinformant of the dangers and penalties therein contained and specified.

VI. Provided alway, and be it enacted by the authority of the foresaid; That this act shall not extend to charge any person or persons with any of the penalties mentioned in the said act, for any offence by him or them committed contrary to the said act, except the same person or persons so offending be sued thereof by action of debt, bill, plaint or information in any of the King's courts, within one year next after the same offence by him or them committed; as is aforesaid.

#### CAP. X.

A repeal of the punishment by death of priests married or unmarried, and of women offending with them by incontinency, limited by the statute of 31 H. 8. c. 14. A priest offending by incontinency, and convict according to the laws mentioned in 31 H. 8. c. 14. shall the first time forfeit to the King all his goods, chattels, debts, and all his spiritual promotions, saving one; and being the second time convict, he shall forfeit all his goods, chattels, debts, and the issues and profits of all his lands, benefices and promotions; and being the third time convict, shall forfeit all his goods, debts, lands, benefices, &c. and be imprisoned during his life: and the woman, if married, she shall be imprisoned during life; but being unmarried, she shall, the first time she is convict, forfeit all her goods, chattels and debts; the second time, the moiety of the issues of her lands during her life; and the

Purchasing of a pretended title by him that is in possession is lawful. Dyer. 33.

Proclamation of the statutes of maintenance, champerty, &c. shall be made at the assizes.

Within what time the offender shall be sued.

Rast. 119. 427. Co. pl. f. 163. Co. Lit. 369. a.

3 Bulstr. 110. 31 H. 8. c. 14. Repealed by 1 Ed. 6. c. 12.

2 & 3 Ed. 6. c. 21. 5 & 6 Ed. 6. c. 12.

third time, the whole issues and profits of all her lands, &c. and shall be imprisoned during her life.

## CAP. XI.

21 H. 7. C. 17. It shall be felony to take, or cause to be taken, the egg or eggs  
REP. 1 Ed. 6. of any falcon, goshawk or lanard, or their birds, out of their  
c. 12. nests; (2) or with vizards or painted faces, or otherwise dis-  
3 & 4 Ed. 6. guised, to the intent he would not be known, to steal deer or  
c. 17. conies in the day-time in a lawful warren or park; or to steal  
7 Ed. 6. C. 17. deer or conies in the night there.  
2 M. sess. 1. c. 1.

## CAP. XII.

All sanctuaries and places privileged, which have been used for sanctuary, shall be utterly extinguished, except parish churches and their church-yards, cathedral churches, hospitals and churches collegiate, and all churches dedicated, used as parish churches, and the sanctuaries to either of them belonging, and *Wells* in the county of *Somerset*, *Westminster*, *Manchester*, *Northampton*, *Norwich*, *York*, *Derby* and *Leicester*. (2) None of the said places shall give immunity or defence to any person which shall commit wilful murder, rape, burglary, robbery in the highway or in any house, or in any church or chapel, or which shall burn wilfully any house, or barn with corn. (3) He that taketh sanctuary in any church, churchyard, &c. may remain there forty days, as hath been used, unless the coroner repair to him to take his abjuration; in which case he shall abjure to any of the foresaid privileged places, not being full of the number appointed to them, viz. above twenty persons, there to remain during life. (4) If a privileged person, daily called to appear before the governor, shall make default three days, or if he commit any felony, he shall lose the benefit of sanctuary. (5) A privileged person abjuring to any of the aforesaid places, shall be conducted from constable to constable directly, until he be brought to the governor of the said privileged place; and if that place be full of his number, then he shall be conducted to the next privileged place, and so to the next, &c. until, &c.

21 H. 8. C. 2.  
22 H. 8. C. 14.  
27 H. 8. C. 19.  
33 H. 8. C. 15.  
REP. 1 Jac. 1.  
c. 25. & 21  
Jac. 1. C. 28.

## CAP. XIII.

*The bill for the breed of horses.*

**F**Orasmuch as the generation and breed of good and strong horses within this realm extendeth not only to a great help and defence of the same, but also is great commodity and profit to the inhabitants thereof, which now is much decayed and diminished, by reason that in forests, chases, moors, marshes, heaths, commons and waste grounds within this realm, little stoned horses and mags of small stature and of little value, be not only suffered to pasture and feed thereupon, but also to cover and leap mares feeding there, whereof cometh in manner no profit or commodity:

II. For reformation whereof, and for the increase and breed of better and stronger horses hereafter to be had within this realm, be it enacted by the King our sovereign Lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no commoner or commoners within any forest, chase, moor, marsh, heath, common or waste ground, nor any officer or officers of or within any of the said forests or chases, nor any other person or persons, whatsoever he or they be, at any time after the last day of *March* which shall be in the year of our Lord God one thousand five hundred and three and forty, shall have or put to pasture into or upon any such ground, forest, chase, moor, marsh, heath, common or waste ground, any stoned horse or horses, being above the age of two years, and not being of the altitude or height of fifteen handfuls, to be measured from the lowest part of the hoof of the forefoot, unto the highest part of the wither, and every handful to contain four inches of the standard, to pasture, feed or be in or upon any of the said forests, chases, commons, moors, marshes, heaths or waste grounds within any of the shires and territories of *Norfolk, Suffolk, Cambridge, Buckingham, Huntingdon, Essex, Kent, South-Hampshire, North-Wiltshire, Oxford, Berkshire, Worcester, Gloucester, Somerset, North-Wales, South-Wales, Bedford, Warwick, Northampton, Yorkshire, Cheshire, Staffordshire*, the county of the city of *York*, the town and liberties of *Glocester*, the county of the town of *Kingslon upon Hull*, the county palatine of *Lancaster*, the county of *Salop, Leicester, Hereford and Lincoln*, or within any of them; (2) nor shall put to feed or pasture any stoned horse or horses, being above the said age of two years, and not being of the altitude and height of fourteen handful, to be measured as is abovesaid, within or upon any like ground or grounds as been above written, lying or being within any other shire of this realm, nor within any of them, (3) upon pain of forfeiture of the said horse or horses which shall be so found in or upon any such ground, forest, chase, moor, marsh, heath, common or waste ground, at any time after the said last day of *March* which shall be in the said year of our Lord God one thousand five hundred and three and forty, contrary to the form of this statute.

The age and height of those stoned horses which shall feed upon the common in certain counties.

In part repealed by 3 El. c. 2. f. 2.

III. And it shall be lawful to every person and persons that shall find any such horse or horses, contrary to the form of this statute, to seize the same in manner and form following, that is to say, The said person and persons so finding any horse or horses, contrary to this act, in any forest, chase, common, moor, marsh, heath or waste ground, within the said shires, or other limits aforesaid, or in any of them, shall first go to the keeper or keepers of the same forest or chase, or to his deputy or deputies, or to the constable, bailiff, headborough, burgholder or tythingman of any township next adjoining unto the said place where the said horse or horses shall be, and shall command or require him or them, or any of them, in the King's behalf,

behalf, to go with him or them, to bring every such horse or horses, as he or they shall think to be there feeding and going contrary to this statute, to the next pound, and there the said horse and horses to be measured by any of the same officer or officers, in the presence of three other honest men, to be named and appointed by the said officer: (2) and if it so be found that the same horse or horses be contrary to this act, that then it shall be lawful to every such person and persons that so shall challenge and seise the said horse or horses, as before is said, to take and retain the same horse and horses, and every of them, to his own use, as his own proper goods and chattels for ever, without let, interruption, vexation, suit or trouble of the owner or owners of them, or any of them, or of any other person or persons.

The penalty of those that refuse to measure a horse not of a lawful height being thereunto required.

IV. Also it is further enacted by the authority aforesaid, That if any of the said keepers, their deputy or deputies, bailiffs, constables, headboroughs, bursholders or tythingmen, or any of the said three other honest men, which shall be required to be at the measuring of the said horse or horses, as is aforesaid, do refuse to do as is aforesaid, or else do not truly measure such horse or horses, that then every such bailiff, keeper, deputy or deputies, constable, headborough, bursholder and tythingman, and the said three honest persons, to be named as is aforesaid, and every of them, not doing and refusing to do his or their duty in the premises, shall forfeit and lose forty shillings for every time so refusing to do, or not doing as is aforesaid; the one half thereof to be to our sovereign lord the King, and the other half thereof to be to the party that will sue for the same in any court of our sovereign lord the King, by bill or plaint of debt, information or otherwise; in which action none effoin, wager of law or protection shall be admitted or allowed.

Horses breaking forth into the common against the owners will.

V. Provided alway, That this act shall not extend to any stoned horse or horses, that shall happen once in any year, after the said last day of *March*, to break, escape or go out of any several pasture or ground, against the will and mind of the owner or possessor of such horse or horses, into any of the said forests, chases, moors, marishes, heaths, commons or waste grounds, so that the said horse or horses so breaking, escaping or going out, do not remain or abide in the said forests, chases, moors, marishes, heaths, commons or waste grounds, or any of them, by the space of four days next after sufficient and open notice and knowledge given at the dwelling-house of the owner of the said horse or horses, or after open publication thereof made upon a *Sunday* or other festival day, in the parish church where the owner or possessor of such horse doth dwell.

Forests, heaths, chases, commons, and waste grounds shall be driven once in the year.

VI. And be it further enacted by the authority aforesaid, That all forests, chases, commons, moors, marishes, heaths and waste grounds, within this realm of *England* and *Wales*, and the marches of the same, and every of them, shall be driven at the feast of *St. Michael* the archangel next coming, or within fifteen days then next after, (2) and so yearly to be driven by the

the lords, owners and possessors of the said forests, chases, or by the officers of the same, and by the constables, headboroughs, bailiffs, burtholders and tythingmen, within whose offices, precincts and limits, the commons, moors, marishes, heaths and waste grounds, being out of forests or chases, be or lie, (3) upon pain of xl. s. to be forfeited to our said sovereign lord the King, by every of the said officers, bailiffs, constables, headboroughs, burtholders and tythingmen, as often and at every time as the said drift shall be omitted or left undone, or not effectually done within fifteen days after the said feast of St. Michael the archangel, as is aforesaid. (4) And it shall be lawful to the said lords, owners and possessioners of the said forests and chases, by their officers of the same, and by the constables, bailiffs, headboroughs, burtholders and tythingmen, and every of them within the limits of their offices, to make like drift of the said forests, chases, commons, moors, marishes, heaths and waste grounds, at any other season and time of the year, whensoever and as often as they shall think meet and convenient.

VII. And furthermore be it enacted, That if in any of the said drifts there shall be found any mare, filly, sole or gelding, that then shall be thought not to be able; nor like to grow to be able to bear soles of reasonable stature, or not able; nor like to grow to be able to do profitable labours, by the discretion of the drivers aforesaid, or of the more number of them, then the said driver or drivers shall cause the same unprofitable beasts, and every of them, to be killed, and the bodies of them to be buried in the ground, or otherwise bestowed, as no noyance thereby shall come or grow to the people there near inhabiting or thither resorting.

Upon the drift of commons unlikely tiths shall be killed.

Not to extend to the county of Cornwall, 21 Jac. 1. c. 28.

Justices of peace in their sessions; and stewards in their leets and law-days, shall enquire of all offences aforesaid.

VIII. And it is further enacted by the authority of this present parliament, That the justices of peace in every shire, riding and other place, in their quarter-sessions to be kept and holden by virtue of the King's commission of the peace to them directed, and all stewards of leets and lawdays, in the same leets and lawdays, shall have authority by this act to enquire of all defaults, contempts, omissions and offences contrary to the effects above written, and every of them; (2) and all presentments thereof to be found in any of the said leets and lawdays, shall be certified by the steward or deputy steward, or court-holder of the same leet or lawday, in the next general sessions of the peace to be holden in the county where such presentments shall be found or had, or unto the *Custos Rotulorum* of the same shire, within forty days next after that presentment made; (3) which justices of peace, in their quarter-sessions of the peace, shall have power and authority by this act to hear and determine every such presentment before themselves found, or in any of the said leets or law-days to be presented and certified as is aforesaid, as well by examination as otherwise; (4) and if any such steward, deputy steward or court-holder aforesaid, imbezil or conceal any such presentment, or do not cer-

tify the same as is afore written, every of them so offending shall forfeit and lose for every such offence xl. s. (5) the one half of every such forfeiture, and of every other of the forfeitures afore written, to be to the King our sovereign lord, and the other half to the person or persons that will sue for the same before the said justices of peace in their said quarter-sessions, by bill or information, which justices shall have full power and authority, by virtue of this act, to hear and determine every such offence, as well by examination as otherwise, as is before mentioned.

No horse, gelding or mare infected with the scab, shall be put upon the commons.

IX. And be it further enacted by the authority afore said, That no person or persons after the feast of St. *Michael* the archangel next coming, shall have or put to pasture any horse, gelding or mare, infect with scab or mange, in, to or upon any of the said forests, chases, moors, marshes, heaths, commons, waste grounds or common fields, upon pain to forfeit for every horse, gelding or mare so infect, pasturing in any of the said grounds, ten shillings, (2) which offence shall be enquirable and presentable before the steward in every leet, as other common annoyances be; and the forfeiture thereof to be to the lord of the same leet where the said offences shall be presented.

Horses of small height may be put where mares are not used to be kept.  
33 H. 8. c. 5.

X. Provided alway, That this act, or any thing therein contained, shall not extend, nor be prejudicial to any person or persons having any stoned horse or horses, under the heights and altitudes above mentioned, for or concerning the having or putting any of the said horses to feeding in or upon any common or other waste grounds, where any mares or fillies are not used nor suffered to be fed, pastured or kept.

#### CAP. XIV.

1 El. c. 19.  
5 El. c. 5.  
33 El. c. 15.

The statutes of 5 R. 2. Stat. 1. c. 3. 6 R. 2. c. 8. 4 H. 7. c. 10. & 23 H. 8. c. 7. touching freighting in *English* ships only, rehearsed and confirmed: A rate what shall be paid for the freight or portage of the several sorts of merchandises from the port of *London* to other places, and from thence to *London*. With a proviso, that in case of war the freight may be raised.

#### CAP. XV.

31 H. 8. c. 14.  
Repealed by  
1 Ed. 6. c. 12.

In all commissions to be granted to the bishop of the diocese, his chancellor and commissary, concerning christian religion, according to the statute of 31 H. 8. c. 14. there shall be joined with them the archdeacons and their officials, all which shall be named in the said commissions by their names of dignity, and not by their christian and surnames.

#### CAP. XVI.

##### *Concerning strangers.*

THE King our most dread sovereign lord, calling unto his blessed remembrance the infinite number of strangers and aliens of foreign countries and nations, which daily do increase and multiply within

within his Grace's realm and dominions, in excessive numbers, to the great detriment, hindrance, less and impoverishment of his Grace's natural true lieges and subjects of this his realm, and to the great decay of the same; (2.) remembering also the manifold good acts and statutes which have been heretofore made, as well by his most noble progenitors, as by his own most royal Majesty, for reformation of the same in divers and sundry parliaments, that is to wit: First, in the first year of the reign of King Richard the Third, where it was enacted, That no person, not born under the same King's obedience, nor made denizen, taking upon him to be an artificer or handicraftsman, should take nor occupy any house or chamber within this realm, nor abide or remain in the same, nor sojourn with any strange person, not being born under the obedience of the same King, as is aforesaid, nor exercise or occupy any craft or manual occupation within the same realm; (3.) but that such strangers should depart from this same realm, within a certain time appointed by the said statute, unless they were retained in service to or with any subject's or lieges of the King only, which were expert in their crafts or occupations, under pain to forfeit all their goods.

II. And that no person, not being born under the said King's obedience, nor made denizen, being an artificer or handicraftsman, should make any cloth within this realm; (2.) and also that no such strangers should sell any wares within this realm, but only in gross, and not by retail, upon pain of forfeiture of the said wares. (3.) And moreover that no person, not being born under the King's obedience, abiding in any house or chamber within this realm, occupying any handicraft, after a certain time in the said act limited, should take any servant to work with him, except it were his son or daughter, or else one of the subjects of the said King, and born under his obedience, upon pain to forfeit for every such default xx, li, as in the said act amongst other things more plainly appeareth.

III. And where also in the fourteenth and fifteenth year of the reign of our said sovereign lord the King that now is, it was enacted, That no stranger, born out of his Grace's obedience, were he denizen or not denizen, using any handicraft or occupation within this realm, should take any apprentice, except the same apprentice were born within his Grace's dominions and obedience, upon pain to forfeit for every such apprentice so taken, x. li.

IV. And that also no stranger, nor alien born, under like pain, using any handicraft within this realm, after a certain time limited in the said act, should take or have any journeyman or covenant servant, except such journeyman or covenant servant were born under his Grace's obedience.

V. And that all manner of aliens born, as well being denizens as not denizens, inhabiting within the city of London, or a certain space about the same, should be under the search and reformation of the wardens of the fellowship of handicrafts within the said city of London, as in the said statute, among other things, more plainly appeareth.

VI. And where also in the parliament of our said sovereign lord, holden at Westminster in the twenty-first year of his most gracious reign, it was enacted, among other things, That no stranger should keep any

Aliens shall be bound by all the laws and statutes of this realm.

A recital of 1 R. 3. c. 9. 3 Mod. 94. No alien born, not made denizen, being an artificer, shall take or occupy any house or chamber, nor sojourn with a stranger, nor occupy any craft.

An alien shall not make any cloth, sell any ware by retail, nor take any servant but the King's subjects, or his own child.

A recital of 14 & 15 H. 8. c. 2. What apprentices or journeymen aliens must take.

5 El. c. 4.

A recital of 21 H. 8. c. 16.

Aliens shall be contributory with the King's subjects, they shall swear to be true to the King, and shall make no assemblies but at their halls.

any more servants strangers but only two at one time, (2) and that all denizens then made, or after to be made, which would inhabit within the said city of London, or within a certain circuit of the same, and would there keep any house or occupy any craft or occupation, should be contributory to and with the King's grace's subjects of the same craft or occupation, within the said city of London, paying, bearing and sustaining such charges of the same craftsmen as in the same act is contained; (3) and that they should also present themselves at the common hall or meeting-place of the said crafts in the city of London, and there to take a corporal oath before the master and wardens of the same craft, to be true to our said sovereign lord the King and his heirs; (4) and also that no stranger, artificer or handicraftsman, born out of his Grace's allegiance, not being denizen, should set up, or keep any house, shops or chambers, wherein they should exercise any handicraft or mystery within this realm, upon like penalties as been mentioned in the said former statute; (5) and that also no stranger nor denizen, not being born within this realm, should assemble in any company, fellowship, shop, congregation or conventicle, but only in the common hall of their crafts, with his Grace's subjects of the same craft, upon like pain as is aforesaid, as in the said acts and statutes, among many other things, more plainly appeareth; (6) all which good wholesome and beneficial acts and statutes been in manner infringed, frustrated, and defrauded, chiefly by the means of divers letters patents obtained by the crafts, suits, inventions and practices of such strangers, lately made denizens in great number, which letters patents do contain, that every such denizen shall be as free as Englishmen naturally born within the King's grace's dominions and obedience; any acts or statutes made or to be made to the contrary notwithstanding; (7) by reason whereof the said denizens refuse to obey and perform such orders and directions as in the said former statutes were limited, prescribed and declared, as well to and for such strangers born out of the King's obedience, as at that time were made denizens, or that after should be made denizens, to the great hindrance and decay of the handicraftsman, being the King's grace's natural lieges and subjects.

All strangers made denizens shall be obedient unto the statutes.

1 R. 3. c. 9.  
14 & 15 H. 8.  
c. 1.  
21 H. 8. c. 2.

VII. For reformation whereof the King's most royal Majesty is contented and pleased, that it be enacted by his most gracious Highness, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all manner of strangers born out of his Grace's obedience, which heretofore have been made denizens, or that hereafter shall be made denizens, from and after the first day of September next coming, shall be bound and obedient by and unto all the foresaid acts and statutes, and to all the contents of the same, and to all other acts and statutes of this realm heretofore made, now being in their force and not repealed; any letters patents or ordinances heretofore made, or hereafter to be made, to the contrary thereof in any wise notwithstanding; (2) and that also in all and every letters patents of or for the making of any denizen, from and after the last day of this present parliament, to be made to any stranger not being born under the King's grace's obedience, shall be contained a proviso, that he

A proviso in all letters patents for making denizens, that they shall be obedient to the laws.

or they to whom such letters patents shall be so made and granted shall be bound and obedient by and unto all the acts and statutes of this realm, as is aforesaid, and to all and every the contents of the same; (3) except it shall be the King's most gracious pleasure to grant to any such alien any special liberties or privileges, more or otherwise than is contained in the said statutes; and in that case all such liberties and privileges so to be granted to any such alien, contrary to the form of any of the said statutes, shall be plainly, wholly and particularly expressed, specified and declared by special words, as well in the bill assigned with the King's grace's hand for obtaining of any such grant, as in the letters patents to be made out of the chancery for and concerning the same.

VIII. And furthermore be it enacted by the authority aforesaid, That no alien or stranger, denizen or not denizen, using any handicraft, being born out of the King's grace's obeisance, inhabiting within the universities of *Oxford* or *Cambridge*, or within the precinct of *St. Martin's le Grand* in *London*, or within any other such like places privileged, shall from the feast of *St. Michael* the archangel next coming, retain, have or keep in their service, any apprentice, journeymen or servant, being aliens born out of the King's obeisance, above the number of two persons at one time; (2) upon pain and penalty contained in the said act made in the said fourteenth and fifteenth years of his Grace's reign; any act or provision heretofore made to the contrary in any wise notwithstanding.

No alien dwelling in Oxford. &c. shall keep above two servants that be strangers at one time.

IX. And that it be also enacted by the authority aforesaid, That every alien and stranger born out of the King's obeisance, not being denizen, which now or hereafter shall come in or to this realm, or elsewhere within the King's dominions, shall, after the said first day of *September* next coming, be bounden by and unto the laws and statutes of this realm, and to all and singular the contents of the same.

Every alien bound by the laws of this realm.

X. And that none of the King's subjects shall retain or keep together at one time in his household, service or family, the number of four strangers born out of the King's obeisance; (2) nor that any alien, being denizen, and using no handicraft, shall retain or keep in his household, service or family, together at one time, above the said number of four strangers; (3) upon pain that the offender and offenders contrary to this article, shall lose and forfeit for every stranger born out of the King's obeisance, retained and kept above that number, ten pounds; (4) the moiety of all which forfeitures shall be to the King's highness, his heirs and successors, and the other moiety thereof to such person or persons as will sue for the same by original writ, bill, plaint or information, in any of the King's courts; in which suit none essoin, protection nor wager of law shall be admitted or allowed.

No person may keep above four strangers in his service at one time.

XI. Provided alway, That this act, nor any thing therein contained, shall be hurtful or prejudicial to such proclamations as the King's majesty hath published or proclaimed for and concerning the payment of custom for strangers, granted by the goodness of the King's grace.

A proclamation published by the King for the payment of customs.

ness of his Majesty to endure for certain years, but that the same proclamation shall abide, be and remain in the same plight and strength that it is and as if this act had never been made; any thing in this act to the contrary thereof notwithstanding.

Lords of the parliament may keep six strangers.

XII. Provided also, That every lord of the parliament may keep the number of six strangers born out of the King's obedience, together at one time, any thing in this act to the contrary thereof notwithstanding.

No strangers, except denizens, may take any leases of houses.

XIII. And it is further enacted by authority aforesaid, That all leases of any dwelling-house or shop within this realm, or any the King's dominions, made to any stranger, artificer or handicraftsman, born out of the King's obedience, not being denizen, from and after the said feast of St. Michael the archangel next coming, shall be void and of none effect; (2) and that no stranger, artificer or handicraftsman, born out of the King's obedience, not being denizen, shall after the same feast take any lease of any dwelling-house or shop within this realm, or in any other the King's dominions, upon pain to lose and forfeit for every time doing contrary to this act, one hundred shillings; (3) and that no persons after the same feast shall grant or let to ferm any dwelling-house or shop to any such stranger, artificer or handicraftsman, not being denizen, to the intent to dwell or inhabit in the same, upon like pain of one hundred shillings; (4) the one moiety of which pains and forfeitures to be to the King our sovereign lord, and the other moiety to such as will sue for the same, in manner and form as in this act is above expressed.

#### CAP. XVII.

23 & 14 Car. 2. For paving of High-Holborn and other places, Aldgate and White-Chapel.

#### CAP. XVIII.

The bill for re-edifying of towns.

#### CAP. XIX.

For the re-edifying of certain towns in the west parts.

#### CAP. XX.

Concerning privileges and franchises.

Co. pl. f. 440, 446. Privileges and liberties of lands, &c. by former statutes assured to the King, shall be continued.

WHERE divers and sundry sites, circuits and precincts of late monasteries, abbaties, priories, nunneries, colleges, hospitals and other ecclesiastical and religious houses and places, and divers honours, castles, manors, messuages, lands, tenements, liberties, privileges, franchises and other hereditaments, by divers and sundry statutes heretofore made, been assigned, limited and appointed to the order, rule, survey, and governance of the court of our sovereign lord the King, called the court of augmentations of the revenues of his crown, and of the chancellor, officers and ministers of the same, (2) by the which statutes it is not fully, plainly nor expressly declared or rehearsed, how and in what wise and by what special officers and ministers, the liberties, privileges and franchises, which the late owners of the same sites, circuits, precincts, honours, castles, manors, messuages, lands, tenements and other the premises had, used and exercised, should, be ordered, used, exercised and put in execution.

*action:* (3) Be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and of the commons, of this present parliament assembled, and by the authority of the same, That all and singular the same liberties, franchises, privileges and temporal jurisdictions, which the said late owners had, used and exercised lawfully, by themselves, or by their officers or ministers, or might have used and exercised lawfully, by themselves, or by their officers or ministers, or might have used or exercised, within three months next before that the said sites, circuits, precincts, honours, castles, manors, messuages, lands, tenements and other the premises, came to the possession of the King's highness, shall be by virtue of this present act revived, and be really and actually in the King's highness, his heirs and successors, and shall be in the rule, order, survey and governance of the King's said court of augmentations of the revenues of his crown, and of the chancellor, officers and ministers of the same; (4) and that the same liberties, franchises, privileges, and temporal jurisdictions, and all manner fines, issues, amerciaments, and other profits and commodities, of what kinds or natures soever they be, coming, growing or rising by reason or occasion of them, or any of them, shall be used, exercised and occupied to all intents, purposes, conditions and respects, and shall be claimed, levied, collected and taken by such stewards, bailiffs, and other officers and ministers, as shall please the King's highness to name and appoint, in like manner, form, fashion and condition as they or any of them were lawfully used, exercised, executed, claimed, levied, collected and taken, before that they came to the hands and possession of our said sovereign lord; (5) and that the same stewards, bailiffs, officers and ministers, shall be accomptant for the issues and revenues of their bailiwicks and offices, and shall be compelled to account in the said court of augmentations, like as the King's receivers or other officers accomptants in the said court heretofore have done or ought to do.

II. *And where also divers and sundry sites, circuits and precincts of late monasteries, abbies, priories, nunneries, colleges, hospitals, and other ecclesiastical and religious houses and places, and also divers honours, castles, manors, messuages, lands, tenements, liberties, privileges, franchises and other hereditaments, which been coming to the King's hands by attainder or attainders of high treason, been assigned, limited and appointed to the order, rule, survey and governance of the King's general surveyors; (2) and forasmuch as it is not fully, plainly nor expressly known or declared, how and in what wise, and by what special officers or ministers, the temporal liberties, privileges, franchises and temporal jurisdictions, which the late owners of the said sites, circuits, precincts, honours, castles, manors, messuages, lands, tenements and other the premises had, used and exercised, should be ordered, used and put in execution:* (3) Be it therefore enacted by authority aforesaid, That all and singular the same liberties, franchises, privileges and temporal jurisdictions, which the late owners of the said sites, circuits, precincts, honours, castles, manors and other the premises, which

The same franchises that the late owners of religious houses had within three months before their dissolutions shall be revived, and be actually in the King, in the survey of the court of augmentations.  
Moor 197.

Those lands, &c. of the late abbeys, which came to the King by attainder, shall

be in the order of the general surveyor.

which been come into the King's hands by attainders, as is aforesaid, lawfully had, used and exercised by themselves; or by their officers or ministers, or which they might have used or exercised, within three months next before that the same sites, circuits, precincts, honours, castles, manors, and other the premises, came to the possession of the King's highness, shall be by virtue of this act revived, and be really and actually in the King's highness, his heirs and successors, and shall be in the rule, order, survey and governance of the King's said general surveyors, and of the officers and ministers of the same; (4) and that the same liberties, franchises, privileges and temporal jurisdictions, and all manner of fines, issues, amercements and other profits and commodities, of what kinds or natures soever they be, nothing growing or rising by reason or occasion of them, or any of them, shall be used, exercised and executed to all intents, purposes, conditions and respects, and shall be claimed, levied, collected and taken by such stewards, bailiffs, and other officers and ministers as shall please the King's highness to name and appoint for the same, in like manner, form, fashion and condition as they or any of them were used, exercised, executed, claimed, levied, collected and taken before they came to the hands and possession of our said sovereign lord by attainder, as is aforesaid; (5) and that the said stewards, bailiffs, officers and ministers thereof, shall be accomptant for the issues and revenues of their bailiwicks and offices, and shall be compelled to account before the said general surveyors, as other officers accomptants in that court heretofore have done, or ought to do.

The jurisdiction of the stewards and bailiffs of those liberties that were late the abbeyes, &c. and their attendance to the King's courts.

III. And be it enacted by authority aforesaid, That the said stewards, bailiffs and other officers and ministers, shall be attendant and obedient to all other the King's courts, as well for all executions and returns of writs, warrants and precepts, as for their personal appearances, and other duties of their offices, like as the officers and ministers of the said late owners did and ought to do, or should have done by reason of their said several offices, before that the same liberties, privileges and temporal jurisdictions did come to the possession of our said sovereign lord, and that to be done and observed upon all pains and penalties by the laws of this realm limited and ordained for any offence or default in the same: (2) and that no sheriff, under-sheriff, nor other officer or minister, of any sheriff or other foreign officer or minister, shall in any wise intronit or meddle in, with or upon any of the premises, otherwise or in any other manner, nor for any other cause, than they or any of them lawfully might have done before the same premises did come to the possession of our said sovereign lord.

Every person may use such liberties as he hath by the King's grants, or otherwise.

IV. Provided always and be it enacted, That all and singular persons and bodies politick, and the heirs, successors and assigns of every of them, shall have, hold and enjoy, use, execute and exercise as well by themselves, their officers, servants and ministers, as by and for their tenants, farmers and tenants, all and singular liberties, privileges and franchises, which they or any of them now have by or from the King's majesty by any letters patents,

patents, indentures, writings under any his Highness seals, or by authority of parliament, or otherwise, or by the lawful grant or lease of any person or persons, or by any other means or lawful title, in as large, ample and beneficial manner, to all intents, respects and purposes, as they or any of them now have, or of right ought to have, the said liberties, franchises and privileges, or any of them, and as though this act had never been had made; any thing above written notwithstanding, (2) (the privileges of sanctuaries, church, church-yards or cemeteries, for fashion of transgressors and offenders only excepted;) (3) saving to all and singular persons, and bodies politick, and the heirs, successors and assigns of every of them, all such office and offices, fees, annuities, profits and commodities; which they or any of them now have, or of right ought to have, in or upon, or by reason of the said sites, circuits, precincts, castles, honours, manors, messuages, lands, tenements, liberties, franchises, privileges and other the premisses, or in any part or parcel of them, in as large and ample manner, form, fashion and condition, to all respects and purposes, as if this act had never been had nor made; any thing in this act to the contrary thereof notwithstanding.

Saving to all persons their offices, fees, annuities and profits out of any of the lands of any abbeyes, &c.

V. And furthermore, be it enacted by the authority of this present parliament, That the chancellor of the said court of augmentations now being, and every of his successors, being chancellor of that court, and the King's general attorney, and his Grace's attorney of the said court of augmentations for the time being, and every of them, and their successors, and the successors of every of them, shall have full power and authority, by virtue of this act, to take to the use of the King our sovereign lord, his heirs and successors, knowledges of all manner of concords for fines thereupon to be had and recorded in the court of our said sovereign lord the King, and of his heirs and successors, commonly called the Common Place, of and upon all and singular manors, lordships, lands, tenements and other hereditaments, being, and which by reason of those fines or otherwise shall be, under the order, rule or survey of the said court of augmentations, without any fine or fee to be paid for the same; (2) and that the judges and justices for the time being of the said court called the Common Place, and their successors, shall accept, receive and allow all the said knowledges of concords by the said chancellor and attornies, or any of them, to be certified and delivered unto the said court called the Common Place.

Fines may be levied in the court of augmentations to the King.

VI. And the same to be as effectual in the law to all intents and purposes, as if the same knowledges of concords had been made, taken or acknowledged before the chief judge of the said common place out of the same court, or openly in that court; (2) and also that the said chancellor and attornies for the time being, and every of them, and the successors of every of them, shall have full power and authority to take knowledge for inrollments of all deeds made or to be made to the use of the King our sovereign lord, his heirs and successors, of any manors, lands and tenements, (3) and of all obligations to be made to the King, his heirs and successors,

Deeds may be inrolled in the court of augmentations to the King.

Inrollments in the court of augmentations of all deeds made to the use of the King, and of all obligations.

The King's officers may keep court within the verge, and his clerk of the market only execute his office there.

27 H. 8. c. 2.

The liberty of the city of London reserved.

for, or to any other person or persons to the use of the King, his heirs and successors, for any matter or cause concerning the said court of augmentations, or concerning the said manors, lands and tenements, without any fee, gift or reward, by them or any of them to be taken therefore: (4) And the same deeds, so knowledged, to be inrolled or registered in the said court of augmentations, and so being there inrolled or registered among other records there remaining, and the inrollments and registrations of the same, to stand and be of record, and of as good strength and effect, as if the same were or had been knowledged before any other judge or justice of record, and inrolled in any other court of record.

VII. Provided always, and be it enacted by the authority aforesaid, That in all such of the said liberties, franchises and places privileged, and in every of them limited to the said court of augmentations, and to the surveyors court, wheresoever the King's highness in his own most royal person shall come to rest, tarry, abide or make his repose within this his realm, or any of his dominions, within liberty or without, there and within the verge limited and accustomed to his Grace's court during the time of his abode, the steward or great master of his Grace's household, the marshal, coroner, clerk of the market, and all other his ministers, shall and may keep their courts for justice, and exercise their office and offices, as shall appertain to them according to the laws, customs and statutes of this realm, as well within liberties and franchises as without: (2) and that his Grace's clerks of the market, and none other, during the same time, as well within the said liberties and franchises as without, shall exercise the office of clerks of the market within the said verge; any privilege, grant, allowance or other thing to the contrary thereof notwithstanding.

VIII. Provided always, That this article next above rehearsed, or any thing therein contained, be not in any wise prejudicial to the city of London; but that the same city shall have and use such liberties as they might if that article had never been had ne made.

IX. And where also the sites, circuits end precincts of the late monastery of Furnes, and of the late monasteries and priories of Cartemele, Coningshead, Burcough and Holland; and also divers honours, castles, manors, messuages, lands, tenements, liberties, privileges, franchises and other hereditaments, late parcel and appertaining to the said late monasteries and priories, or to any of them, which been coming into the King's hands, been assigned, limited and appointed to the order, rule, survey and governance of the chancellor, officers and ministers of the county palatine and duchy of Lancaster: (2) And forasmuch as it is not fully, plainly nor expressly known or declared, how and in what wise, and by what special officers and ministers, the temporal liberties, privileges, franchises and temporal jurisdictions, which the late owners of the said sites, circuits, precincts, honours, castles, manors, messuages, lands, tenements, and other the premisses

*premises had, used or exercised, should be ordered, used and put in execution:*

X. Be it therefore enacted by the authority aforesaid, That all and singular the same liberties, franchises, privileges and temporal jurisdictions, which the said late owners of the said sites, circuits, precincts, honours, castles, manors and other the premises, lawfully had, used and exercised by themselves, or by their officers or ministers, or which they might have used or exercised within three months next before the same sites, circuits, precincts, honours, castles, manors and other the premises, came to the possession of the King's highness, shall be by virtue of this act revived, and be really and actually in the King's highness, his heirs and successors, and shall be for ever in the rule, order, survey and governance of the said chancellor, officers and ministers of the said county palatine and duchy of *Lancaster*: (2) And that the same liberties, franchises, privileges and temporal jurisdictions, and all manner of fines, issues, amerciaments and other profits and commodities, of what kinds or nature soever they be, coming, growing or rising by reason or occasion of them, or any of them, shall be used, exercised and executed, to all purposes, intents, conditions and respects, and shall be claimed, levied, collected and taken by such stewards, bailiffs and other officers and ministers, as shall please the King's highness to name and appoint for the same, in like manner, form and condition, as they or any of them were used, exercised, executed, claimed, levied, collected and taken before they came to the hands and possession of our said sovereign lord: (3) And that the said stewards, bailiffs, officers and ministers shall be compelled to accompt for the same before the said chancellor, officers and ministers of the said county palatine and duchy of *Lancaster*, as other officers and accomptants in the court of the said duchy heretofore have done or owe to do.

The lands of certain late monasteries of friars, &c. shall be in the government of the officers of the duchy.

XI. And be it enacted by the authority aforesaid, That the said stewards, bailiffs and other officers and ministers, shall be attendant and obedient to all other the King's courts, as well for all executions and returns of writs, warrants and precepts, as for personal appearances and other duties of their offices, like as the officers and ministers of the said late owners did or ought to do, or should have done, by reason of their said several offices, before that the same liberties, privileges and temporal jurisdictions did come to the possession of our said sovereign Lord; (2) and that to be done and observed, upon all pains and penalties by the laws of this realm limited and ordained for any offence or default in the same: (3) And that no sheriff, under-sheriff or other officer or minister of any sheriff or other foreign officer or minister, shall in any wise intromit or meddle in, with or upon any of the premises, otherwise or in any other manner, or for any other cause, than they or any of them might lawfully have done before the said premises did come to the possession of our said sovereign Lord.

The stewards and bailiffs of those liberties shall be attendant on the King's courts,

The sheriff or other officers shall not meddle within those liberties.

This statute shall not diminish the liberties of any lands being parcel of the duchy of Lancaster.

XII. Provided always, That this act, nor any thing therein contained, shall in any wise extend to abrogate, adnul, diminish, nor to take away any liberties, franchises, privileges, jurisdictions, royalties or any other profits, commodities and advantages whatsoever they be, belonging or in any wise appertaining to any the King's castles, honours, manors, lands, tenements or other his possessions of his said county palatine of Lancaster and duchy of Lancaster, or of either of them; (2) but that all such liberties, franchises, privileges, jurisdictions, royalties, and all other such profits, commodities and advantages whatsoever they be, shall be received, taken and answered to the King's highness, his heirs and successors, by the chancellor, officer and ministers of the said county palatine of Lancaster, and duchy of Lancaster, and either of them, as heretofore hath been used and done at any time before the fourth day of February in the seven and twentieth year of his most noble roign; any thing, matter or clause in this act contained to the contrary hereof in any wise notwithstanding.

The liberties of the five ports reserved.

XIII. Provided always, That this act, or any thing therein contained, do not extend to disannul or be hurtful to any of the liberties or privileges of the cinque ports, or the members of the same; but that they and every of them shall enjoy, possess and have all and singular liberties, customs and grants to them granted heretofore by the most famous prince of memory King Edward the Fourth, and other his noble progenitors, confirmed by our sovereign lord the King's majesty that now is, in like manner and form as though this act had never been had ne made,

1 M. sess. 2.  
c. 10.  
9 Ed. 6. c. 2.

### CAP. XXI.

#### *Trinity Term, and the abbreviation thereof.*

The causes of abbreviating Trinity term.  
2 Bullr. 35.

WHERE the term called Trinity Term of long time hath been, and yet is, yearly used to be holden and kept in such time and season of the year, that by occasion thereof not only great peril and danger of infection of the plague, and sundry other sicknesses have happened to the King's loving subjects, as well nobles as other, but also hath been, and yet is, a great impediment and let to a great multitude of the King's poor subjects, for provision and gathering in of harvest, and other their necessary business and livings in that season of the year most expedient to be exercised: (2) The King's most royal majesty having especial respect, as well to the health as to the wealth of his people, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, ordaineth, enacteth and establisheth, That in the said Trinity Term shall be four common days of return only and not above; that is to say, the first day of return shall be, and be called, *In Crastino Sanctæ Trinitatis*; (3) the second day of return of the same term shall be, and be called, *In Octavis Sanctæ Trinitatis*; (4) the third day of return of the same term shall be, and be called, *In Quindena Sanctæ Trinitatis*; (5) and the fourth day of return of the same term shall

There shall be only four days of return in Trinity term, and not above.  
51 H. 3. stat. 2.

shall be, and be called, *A die Sanctæ Trinitatis in tres septimanas*; (6) and that the same days of return shall be observed and kept in all our sovereign lord the King's high courts of record hereafter to be holden at *Westminster*, or other place or places at the assignment, appointment or agreement of our said sovereign lord, his heirs or successors; (7) and that from or after the feast of St. *Michael* the archangel next coming, there shall not be, nor be called, any days of return in *Craftino Sancti Joannis Baptiste*, *Octabis Sancti Joannis Baptiste*, nor *Quindena Sancti Joannis Baptiste*, nor any of them.

II. And be it further enacted by the authority aforesaid, That the said term of the holy *Trinity* shall yearly for ever, from the said feast of St. *Michael* the archangel next coming, begin the *Monday* next after *Trinity Sunday*, whensoever it shall happen to fall, for the keeping of the essoins, profers, returns and other ceremonies heretofore used and kept, in like manner and form as in times past hath been used to be done in the day of return commonly called *In Octabis Sanctæ Trinitatis*; (2) and that the full term of the said *Trinity Term* shall yearly for ever begin and take his commencement the *Friday* next after *Corpus Christi* day, in such and like manner and form, to all purposes, intents and respects, as heretofore hath been used the *Wednesday* next after *Corpus Christi* day; (3) and that from and after the said feast of St. *Michael* the archangel next coming, the said second and third days of return, called *Octabis Sanctæ Trinitatis*, and *Quindena Sanctæ Trinitatis*, shall take their commencement and begin as in times past hath been used; (4) and the said fourth day, called *A die Sanctæ Trinitatis in tres septimanas*, shall take his commencement and begin from the same *Trinity Sunday* into three weeks then next following, and shall have his return with the fourth day, as is accustomed in other like days of return.

III. And be it further enacted by the authority aforesaid, That if after the said feast of Saint *Michael* the archangel next coming, any writ in any real action come in or be returnable into any of our said sovereign lord the King's courts in *Octabis Sancti Hillarii*, then day shall be given in *Craftino Sanctæ Trinitatis*; (2) if in *Quindena Sancti Hillarii*, in *Octabis Sanctæ Trinitatis*; (3) if in *Craftino purificationis Beate Mariæ*, in *Quindena Sanctæ Trinitatis*; (4) if in *Octabis purificationis Beate Mariæ*, then a *die Sanctæ Trinitatis in tres septimanas*: (5) And if after the same feast of St. *Michael* the archangel any writ in any real action come into any of our said sovereign lord the King's courts, returnable in *Craftino Sanctæ Trinitatis*, then day shall be given in *Craftino Animarum*; (6) if in *Octabis Sanctæ Trinitatis*, in *Craftino Sancti Martini*; (7) if in *Quindena Sanctæ Trinitatis*, in *Octabis Sancti Martini*; (8) if a *die Sanctæ Trinitatis in tres septimanas*, in *Quindena Sancti Martini*.

IV. And be it further enacted by the authority aforesaid, That if after the said feast of Saint *Michael* the archangel next coming, any writ of dower come into any of our sovereign lord the King's courts, and be returnable in *Quindena Paschæ*, then

When Trinity term shall begin, and every return thereof.

Days given in real actions.

a writ of dower.

52 H. 3. c. 12.

day shall be given in *Craftino Sanctæ Trinitatis*; (2) if a *die Paschæ* in *tres septimanas*, in *Ostabis Sanctæ Trinitatis*; (3) if a *die Paschæ* in *unum mensem*, in *Quindena Sanctæ Trinitatis*; (4) if a *die Paschæ* in *quinque septimanas*, or in *Craftino Ascensionis Domini*, then day shall be given unto the day of a *die Sanctæ Trinitatis* in *tres septimanas*. (5) And if after the same feast of Saint Michael the archangel next coming, any writ of dower come into any of our said sovereign lord the King's courts of record in *Craftino Sanctæ Trinitatis*, then day shall be given in *Ostabis Sancti Michaelis*; (6) if in *Ostabis Sanctæ Trinitatis*, in *Quindena Sancti Michaelis*; (7) if in *Quindena Sanctæ Trinitatis*, a *die Sancti Michaelis* in *tres septimanas*; (8) if a *die Sanctæ Trinitatis* in *tres septimanas*, a *die Sancti Michaelis* in *unum mensem*; or otherwise as is appointed, limited and declared by the statute of *Marlebridge*, in the twelfth chapter thereof, made and provided.

V. And it is further enacted by the authority aforesaid, That all common writs and processses, as well personal as mixt, which shall fortune to be returnable in the said *Trinity Term*, shall have and keep the said returns of *Craftino Sanctæ Trinitatis*, *Ostabis Sanctæ Trinitatis*, *Quindena Sanctæ Trinitatis*, and a *die Sanctæ Trinitatis* in *tres septimanas*, or any one of them.

Where the justices may assign special days for the returning of writs.

VI. Provided always, and it is further enacted by the authority aforesaid, That in such and like cases and processses, as special days have been used to be appointed, assigned and given for the returning of writs and processses, it shall be lawful to the justices of every of the King's said courts of record for the time being, in all the processses by them awarded, to assign and appoint special days of returns, as by their discretions shall be thought convenient.

Days given in assises of Darrain presentment, *Quare impedit*, and attaint.

3 Ed. 3. c. 7.

VII. Provided also, and be it further enacted by the authority aforesaid, That the days in assise of *Darrain Presentment*, and in plea of *Quare impedit*, limited and appointed by the statute of *Marlebridge*, and also the days to be given in attaint, limited in the statute made in the fifth year of the noble King *Edward* the Third, being not contrariant to the tenor of this act, shall be holden firm and stable, and shall stand in their full force and effect.

## C A P. XXII.

*For the bishops accounts, and others, of the tenth granted unto the King.*

By the statute of 26 H. 8. c. 3. a tenth was granted to the King of all spiritual livings.

IN most humble wise beseeching your most royal Majesty, your humble subjects the archbishops and bishops of this your realm, That where in the parliament begun at London the third day of November the one and twentieth year of your most gracious reign, and from thence adjourned to Westminster, and there holden and continued by divers prorogations unto the third day of November in the six and twentieth year of your most noble reign, it was enacted, by the authority of the same parliament, among other things, That your Majesty, your heirs

and

and successors, Kings of this realm, for more augmentation and maintenance of the royal estate of your imperial crown and dignity of supreme head of the church of England, should yearly have, take, perceive and enjoy, united and knit to your imperial crown for ever, one yearly rent or pension, amounting to the value of the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, then appertaining or belonging, or that hereafter should belong to any archbishoprick, bishoprick, abbacy, monastery, priory, archdeaconry, deanry, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantery, free chapel, and other benefice or promotion spiritual, of what name, nature or quality soever they then were, within any diocese of this your realm or in Wales; (2) the said pension or annual rent to be yearly paid for ever to your Majesty, your heirs and successors, Kings of this realm, at the feast of the nativity of our Lord God, as in the said act more plainly appeareth.

II. And furthermore it was enacted by the said authority in the same parliament, That after a certificate made into your exchequer, and tax set, in such manner and form as by the said act is limited, every archbishop and bishop then being, and after that to be, should be charged and chargeable to levy, collect and receive within their proper diocese, as well in place exempt as not exempt, all such sums of money wherewith the dignities, benefices and other promotions spiritual aforementioned within their diocese, chargeable by the said act, should be set, taxed and charged towards the payment of the said yearly pension; (2) and should pay and content the said sums of money before the first day of April to the treasurer of your chamber for the time being, or to any other person or persons whom it should please your Highness to appoint to receive the same; (3) and that the treasurer, chancellor, chamberlain and barons of your exchequer, should take yearly protest to be made by their discretions for nonpayment of the said pension or yearly rent, as by the said act, among other things, more at large appeareth.

III. And forasmuch as since the making of the said act, all and singular abbacies, priories, monasteries and other religious houses, which were then conventual, being clearly dissolved, and come to your Highness by authority of parliament, and otherwise by your laws, whereby the said yearly rents and pensions, which before that time were of them severally to be paid, be now not payable or leviable; (2) and also that the said archbishops and bishops, upon certificate made into the said exchequer, by reason of the said act made in the said six and twentieth year of your reign, been charged and chargeable with the said yearly rents or pensions of the tenth of divers and many persons, which were certified into your said exchequer by the commissioners assigned to tax and cess the said spiritual dignities and promotions, to have perpetuities and chanteries and other salaries, where never any such chantery or perpetual salary was founded or ordained, and many chanteries and other perpetuities spiritual, then being in esse, been since that time utterly dissolved and extincted; (3) and also many prebends, parsonages and vicarages, been double certified by the said commissioners, and some certified to be in places where none such be

Every bishop charged with the collection of the tenth of all spiritual livings within his diocese.

Causes why the bishops shall not levy so much money for tenths, as by commission was certified to be due.

in rerum natura, and some by wrong names or otherwise miscertified; (4) and also some parts of the profits and emoluments, which did then belong to some dignities, parsonages, vicarages, cathedral churches and collegiate churches, as in proxies, synodals, oblations and indulgences, pardons and other profits, been now decayed and diminished by sundry means, and many chaunteries, and other small promotions spiritual, been since that time decayed and extinguished, and no priests thereon abiding:

26 H. 8. c. 3.

IV. And also sith the making of the said act, made in the said six and twentieth year, there have been assurances made to your Majesty by some of the said archbishops and bishops, of parcels of their possessions charged with the said rent or pension, and parcel of the said possessions charged with the payment of the said yearly rent or pension been come to your hands by other lawful means; (2) by reason whereof, and of many other causes, doubts and ambiguities, which do daily rise concerning the premisses, the said collectors cannot levy the said yearly rents or pensions concerning many promotions or profits spiritual, certified in your said exchequer by the said commissioners; (3) and yet that notwithstanding the said archbishops and bishops, for lack of sufficient warrant and authority to the barons of your said exchequer for their discharge in that behalf, been greatly prolonged and letted in yielding of their accompts in your said exchequer of the said annual rent or pension, and put to great cost, and charges, to their great inquietness, charges, losses and troubles, where they have nothing allowed them, or to any of their officers, for the collecting, levying, gathering or paying of the said annual rents or pensions to the use of your Highness:

If a bishop or any of his deputies will take his oath, that he cannot levy the tenth of any promotion, he shall be discharged thereof.

V. It may therefore please your Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that it be enacted by the authority aforesaid, That if the said archbishops and bishops, or any of them, their deputies or other accomptants, or any of them, that now be or hereafter shall be chargeable with the collection of the said annual rent or pension, or of any part or portion thereof, shew and alledge, by the oath of any of the said archbishops, bishops or other accomptants, or any other person or persons authorised to accompt for any of them, before the treasurer, chancellor and barons of your exchequer, or before the more part of them, or before such other persons as it shall please the King's highness to appoint to hear the same accompt, that they or any of them for any of the causes above said, or for any other sufficient cause or matter by any of them to be alledged, cannot or may not in any wise lawfully levy such particular sum or sums of money of the said annual rent or pension, as they or any of them now be, or hereafter shall be chargeable and charged with, and no matter apparent there shewed to the contrary for your Highness by any of your serjeants at the law, or by your attorney general for the time being, or by any other for your Majesty; that then your said treasurer, chancellor and barons, or the more part of them, or such other persons as shall be appointed by the King's highness, shall by virtue and authority of this act, have full

power

(power and authority by their discretions, to accept and allow that allegation, and thereupon thereof to discharge the accomptant, (2) or else by their discretions to direct the King's writ unto any of the King's courts, for to certify unto them the truth thereof; (3) and thereupon the said treasurer, chancellor and barons, or the more part of them, or such persons as shall be thereunto appointed by the King's highness, further to hear and examine the same matter and cause, by witness and depositions of such as can inform the court, or the said other persons as shall be thereunto appointed by the King's highness, of the truth thereof, or by any other ways and means that they can best devise; (4) and if need require, to award commissions by their discretions to certain indifferent persons in every such diocese, where any such matter or cause shall be alledged, without any charge asking or taking for the making of the same commissions so to be awarded, (5) which said commissioners shall and may, by virtue of their commissions, have full power and authority to examine the same matter and cause so alledged by any of the said bishops, or other accomptants for them, and in their discharge, by the oaths of such persons as shall have perfect notice thereof, or otherwise, and thereupon to make certificate thereof to the said treasurer, chancellor and barons, or to the more part of them in the said exchequer, or to such other persons as thereunto shall be appointed by the King's highness.

VI. And upon certificate so made of the said matter, or if by any other matter or certificate it shall appear to the said treasurer, chancellor and barons, or to the more part of them, or to such other persons as thereunto shall be appointed by the King's highness, that the said matter, and the allegations thereof be good and true; then the said treasurer, chancellor and barons, or the more part of them, or the said such other persons as thereunto shall be appointed by the King's highness, thereupon to make a clear and sufficient deduction, allowance, determination and discharge to any of the said archbishops, bishops, and other accomptants, and to every of them, of and for the same, without further suit or delay, (2) and the same allowance and discharge to cause to be entered in that court, there to remain of record as by their discretions shall be thought requisite from time to time, without further suit, charge, or other inquieting of any of the said archbishops, bishops, or other accomptants, or any of them, or any of the successors or executors of any of them in that behalf.

VII. And that it may be further enacted by the authority afore said, That in case it be hereafter certified by commission, or otherwise by sufficient and probable witnesses had and found, before the said treasurer, chancellor and barons, or before the more part of them, or before such other persons as thereunto shall be appointed by the King's highness, that any benefice, chantry, hospital, or other ecclesiastical promotion, is omitted, and not specified, or not certified by or in the said original, or former certificate; that then upon due proof, information, knowledge,

Commissions may be awarded to enquire the cause of any tenth defalcated.

A mean how the King shall be answered of the tenth of any spiritual living being omitted in the former certificate.

knowledge, or certificate thereof by any of the said archbishops or bishops, or otherwise, made or declared before the said treasurer, chancellor or barons, or before the more part of them, or before such other person or persons as thereunto shall be appointed by the King's highness, of any sum or sums of money, concerning the premises so omitted, and not charged for lack of knowledge or certificate thereof, whereof the King of right ought to be answered; the said treasurer, chancellor and barons, or the more part of them, or such other persons as thereunto shall be appointed by the King's highness, shall make a sufficient entry thereof, to be annexed to and with the said original of the same tenth, and thereupon to charge the said accomptants to make, levy and answer thereof yearly from henceforth, so that the King's highness may be truly answered thereof from time to time, according to his lawful title in that behalf.

Repealed by  
2 & 3 Ph. &  
M. c. 4. and  
revived by  
2 El. c. 4.

## CAP. XXIII.

A confirmation of a subsidy to be paid within two years, of four shillings in the pound granted to the King by the clergy of the province of *Canterbury*, and of such sums of money which after shall be granted to him by the clergy of the province of *York*.

## CAP. XXIV.

*An act concerning the possessions of St. John of Jerusalem in England and Ireland.*

The lands and goods of St. John of Jerusalem shall be in the King's disposition.

The causes why the houses of St. John of Jerusalem were dissolved, and their lands given to the King. The corporation of religion of St. John's in England and Ireland shall be dissolved. The priors and confres

THE lords spiritual and temporal, and the commons in this present parliament assembled, having credible knowledge that divers and sundry the King's subjects, called knights of the Rhodes, otherwise called knights of St. John's, otherwise called friars of the religion of St. John of Jerusalem in England, and of a like house being in Ireland, abiding in the parts of beyond the sea, and having as well out of this realm, as out of Ireland, and other the King's dominions, yearly great sums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiances, sustained and maintained the usurped power and authority of the bishop of Rome, lately used and practised within this realm, and other the King's dominions; (2) and have not only adhered themselves to the said bishop, being common enemy to the King our sovereign lord, and to this his realm, untruly upholding, knowledging, and affirming maliciously, and traiterously the same bishop to be supreme, and chief head of Christ's church by God's holy word, intending thereby to subvert and overthrow the good and godly laws and statutes of this realm, their natural country, made and grounded by authority of holy church, by the most excellent wisdom, policy, and goodness of the King's majesty, with the whole assent and consent of the realm, for the abolishing, expulping, and utter extirpating of the said usurped power and authority, (3) but also have defamed and slandered as well the King's majesty, as the noblemen, prelates, and other the King's true and loving subjects of this realm, for their good and godly proceeding in that

that behalf; (4) have therefore deeply pondered and considered, that like as it is and was a most godly act of the King's most royal majesty, and the said noblemen, prelates and commons of this realm, utterly to expulse and abolish, not only from this realm, but also from other the King's dominions, the said usurped power and authority of the bishop of Rome, and also the hypocritical and superstitious religion in this realm, and in other the King's dominions, being his members and adherents, having their original erection and foundation by the said usurped authority; (5) by expulping whereof, God's holy word, necessary for increase of virtue, and salvation of christian souls, is not only purely and sincerely advanced, and set forth, but also the extort exactions and innumerable sums of money craftily exhaufted out of this realm, and of other the King's dominions, by the colour of the said usurped authority, is removed and taken away, to the inestimable benefit and commodity of the King's loving subjects; so like manner of wise, it should be most dangerous to be suffered or permitted within this realm, or in any other the King's dominions, any religion, being sparks, leaves and imps of the said root of iniquity; (6) considering also that the isle of Rhodes, whereby the said religion took their old name and foundation, is surprisid by the Turk; and that it were and is much better, that the possessions in this realm, and in other the King's dominions, appertaining to the said religion, should rather be employed and spent within this realm, and in other the King's dominions, for the defence and surety of the same, than converted to and among such unnatural subjects, who have declined not only from their natural duty of obedience that they ought to bear unto the King their sovereign lord, but also from the good laws and statutes of this realm, their natural country, daily doing, and attempting privily and craftily all that they can, to subvert the good and godly policy, in the which, thanks be to God, and to our most dread sovereign lord, this realm and other the King's dominions now stand in, &c.

M. li. pension during his life. John Raufon D. marks. Clement West CC. li. Thomas Pemberton lxxx. li. Giles Ruffel C. li. George Aylmer C. li. John Sutton CC. li. Edward Bellingham C. li. Edward Brown L. li. Edmund Huffle C. marks. Ambrose Cave C. marks. Tho. Copledike L. li. Cuthbert Leighton lx. li. Richard Broke C. marks. Henry Poole CC. marks. William Tyrrel xxx. li. John Raufon CC. marks. Confreres professed having no certain living, x. li. a-piece. Professed persons omitted in this statute. Only truly subjects shall have pensions. The sub-prior, master of the Temple and two chaplains shall retain their houses and wages. The foresaid parties shall have the King's letters patents of the things before granted. The confreres and brethren discharged of their obedience to their priors, and may sue and be sued by their proper names. 31 H. 8. c. 6. All land of St. John shall be in the government of the court of augmentations. Altered by 1 Mar. c. 10. The confreres which be out of the realm shall return and submit themselves to the obedience of the law.

## CAP. XXV.

The marriage solemnized between the King and the lady *Anne of Cleves*, by the judgment of the clergy of England, in their convocation, is adjudged and pronounced to be void, and also by her own consent; and that the King shall be at liberty to marry any other woman, and she any other man. It shall be high treason, by word or deed, to accept, take, judge, or believe

of St. John shall be called by their own names and surnames, without any addition of their religion. The penalty for the said priors and confreres to wear any sign of their religion, or to make any assemblies touching the same, or to defend any privileges thereof.

16 R. 2. c. 5. The King shall have his manors, lands, &c. lately belonging to the prior and brethren of St. John in England and Ireland.

A saving of the right of others.

Sir William Weston prior of St. John shall have

believe the said marriage to be good, or to procure or do any thing to the repeal of this act.

## CAP. XXVI.

All decrees and ordinances, which according to God's word, and Christ's gospel, by the King's advice and confirmation by his letters patents, shall be made and ordained by the archbishops, bishops and doctors appointed, or to be appointed, in and upon the matter of christian religion and christian faith, and the lawful rites, ceremonies and observations of the same, shall be in every point thereof believed, obeyed and performed to all intents and purposes, upon the pains therein comprised. Provided, that nothing shall be ordained or desired, which shall be repugnant to the laws and statutes of this realm.

Rep. † Ed. 6.  
c. 12.

## CAP. XXVII.

A resumption of extraordinary grants and licences made by the King to certain persons, of absence, and reversions in the town of *Calais*, and the marches of the same, and in *Berwick*, and of the sheriffwicks for life in *Wales*.

## CAP. XXVIII.

*Lessees to enjoy the farm against the tenants in tail.*

Leases made by tenants in fee or fee-tail, in the right of their wives or churches, which be good, which void.

1 Roll. 169,  
332, 403, 407.  
Savil 85.  
Hutton 24.

1 Leon. 59, 148.

3 Leon. 156.

Leases made

by tenant in

tail, or by him

which is seized

in the right of

his wife, or

church, &c.

1 Lev. 112.

Cro. Jac. 173.

2 Co. 34.

10 Co. 60.

Bro. Accept.

pl. 9.

WHERE great number of the King's subjects have heretofore taken leases of lands, tenements and other hereditaments, for term of years, and divers of them for term of lives, and have given and paid great fines and great sums for the same, and also have been at great costs and charges, as well in and about great reparations and buildings upon their said farms, as otherwise concerning their said farms; (2) yet notwithstanding the said farmors, after the deaths or resignations of their lessors, have been and be daily with great cruelty expelled and put out of their said farms and takings, by the heirs or successors of their said lessors, or by such persons as have interest therein after the deaths or resignations of their said lessors, by reason of privy gifts of intail, or for that the lessors had nothing in the lands, tenements or other hereditaments so lessen, at the time of the leases thereof made, but only in the right of their wives, or such other like cause, to the great impoverishment, and in manner utter undoing of the said farmors: (3) For reformation whereof, be it ordained, established and enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all leases hereafter to be made of any manors, lands, tenements, or other hereditaments by writing indented under seal for term of years, or for term of life, by any person or persons being of full age of twenty one years, having any estate of inheritance either in fee-simple or in fee-tail, in their own right, or in the right of their churches or wives, or jointly with their wives, of any estate of inheritance made before the coverture or after, shall be good and effectual in the law against the lessors, their wives, heirs

heirs and successors, and every of them, according to such estate as is comprised and specified in every such indenture of lease, in like manner and form as the same should have been, if the lessors thereof, and every of them, at the time of the making of such leases, had been lawfully seised of the same lands, tenements and hereditaments comprised in such indenture, of a good, perfect and pure estate of fee-simple thereof to their own only uses.

II. Provided always, That this act, or any thing contained, shall not extend to any leases to be made of any manors, lands, tenements or hereditaments, being in the hands of any fermor or fermors by virtue of any old lease, unless the same old lease be expired, surrendered or ended within one year next after the making of the said new lease; (2) nor shall extend to any grant to be made of any reversion of any manors, lands, tenements or hereditaments, (3) nor to any lease of any manors, lands, tenements or hereditaments which have not most commonly been letten to ferm, or occupied by the fermors thereof, by the space of twenty years next before such lease thereof made; (4) nor to any lease to be made without impeachment of waste, (5) nor to any lease to be made above the number of twenty-one years, or three lives, at the most from the day of making thereof; (6) and that upon every such lease there be reserved yearly during the same lease, due and payable to the lessors, their heirs and successors, to whom the same lands should have come after the deaths of the lessors, if no such lease had been thereof made, and to whom the reversion thereof shall appertain, according to their estates and interests, so much yearly ferm or rent, or more, as hath been most accustomedly yielded or paid for the manors, lands, tenements and hereditaments so to be letten within twenty years next before such lease thereof made; (7) and that every such person and persons, to whom the reversion of such manors, lands, tenements or hereditaments so to be letten shall appertain, as is aforesaid, after the deaths of such lessors or their heirs, shall and may have such like remedy and advantage, to all intents and purposes, against the lessees thereof, their executors and assigns, as the same lessor should or might have had against the same lessees. (8) So that if the lessor were seised of any special estate-tail of the same hereditaments at the time of such lease, that the issue or heir of that special estate shall have the reversion rents and services reserved upon such lease after the death of the said lessor, as the lessor himself might or ought to have had if he had lived.

III. Provided alway, That the wife be made party to every such lease which hereafter shall be made by her husband of any manors, lands, tenements or hereditaments, being the inheritance of the wife; (2) and that every such lease be made by indenture in the name of the husband and his wife, and she to seal to the same; (3) and that the ferm and rent be reserved to the husband and to the wife, and to the heirs of the wife, according to her estate of inheritance in the same; (4) and that

Dyer 51, 363.  
Co. Lit. 44.  
Hob. 204.

34 H. 8. c. 20.  
Cro. El. 5, 350.  
Special observations of leases to be made by tenant in tail, or of the wife's land.  
Raym. 165.  
1 Sid. 416.

Dyer 115, 246,  
271, 279, 304.  
5 Co. 2. 5.

2 Roll. 402.  
5 Co. 6.  
Cro. El. 602.  
Cro. Car. 22, 44.  
Latch 257.  
Bridgm. 29.  
20. 1. 375.

Moor 759. pl.  
1050.  
Hob. 324.

Leases made by husband and wife of the wife's land.  
3 Leon. 132.  
Jones 60.  
Hutt. 85.  
1 Roll. 195.  
163.  
Latch 45.

that the husband shall not in any wise aliene, discharge, grant or give away the same rent reserved, nor any part thereof, longer than during the coverture, without it be by fine levied by the said husband and wife; (5) but that the same rent shall remain, descend, revert or come after the death of such husband, unto such person or persons and their heirs, in such manner and sort as the lands so leased should have done, if no such lease had been thereof made.

25 H. 8. c. 13.  
Leases of  
fermes.

Leases of par-  
sonages or vi-  
carages.

IV. Provided also, That this act extend not to give any liberty or power to any person or persons to take any mo fermes, leases or takings of any manors, lands, tenements or other hereditaments, than he or they should or might lawfully have done before the making of this act; (2) nor extend to give any liberty or power to any parson or vicar of any church or vicarage, for to make any lease or grant of any of their messuages, lands, tenements, tythes, profits or hereditaments belonging to their churches or vicarages, otherwise or in any other manner than they should or might have done before the making of this act; any thing contained in this act to the contrary notwithstanding.

A confirma-  
tion of leases  
made before  
the statute by  
certain per-  
sons, and  
upon certain  
conditions.

V. And furthermore be it enacted by authority aforesaid, That all leases at any time within the space of three years next before the twelfth day of *April* in the thirty-first year of our sovereign lord the King's reign, made by writing indented under seal, by any person or persons of full age, of whole memory, not unlawfully coerced, nor being covert baron, for term of years, of any manors, lands, tenements or other hereditaments, whereof the lessor or lessors were seised of any estate of inheritance of and in the same, to their own only use, at the time of making any such lease thereof, and whereof the lessees, their executors or assigns, be now in possession by virtue of the same lease, and no cause of re-entry or forfeiture thereof had or made, shall be good and effectual in the law against the lessors, their heirs and successors, and the heirs and successors of every of them, according to the covenants, articles and agreements specified in every such indenture or lease: (2) So always there be reserved and yearly payable during the same lease to the said lessors, their heirs or successors, or to such other as should or ought to have had the same manors, lands, tenements or hereditaments so leased after the decease of such lessors, in case no such lease had thereof been made, as much yearly rent for the same, as was at any time therefore yielded or paid within twenty years next before the making of any such lease, or else such leases to be of no other force nor effect than they were before the making of this present act.

The husband's  
only act of the  
wife's land  
shall not pre-  
judice her or  
her heirs.

VI. And moreover for certain consideration be it enacted by authority aforesaid, That no fine, feoffment or other act or acts hereafter to be made, suffered or done by the husband only, of any manors, lands, tenements or hereditaments, being the inheritance or freehold of his wife, during the coverture be-

tween them, shall in any wife be or make any discontinuance thereof, or be prejudicial or hurtful to the said wife or to her heirs, or to such as shall have right, title or interest to the same by the death of such wife or wives; (2) but that the same wife and her heirs, and such other to whom such right shall appertain after her decease, shall and may then lawfully enter into all such manors, lands, tenements and hereditaments according to their rights and titles therein; any such fine, feoffment or other act to the contrary notwithstanding; fines levied by the husband and wife (whereunto the said wife is party and privy) only except.

Explained by  
34 & 35 H. 8.  
C. 22.  
6 Ed. 1. c. 3.  
13 Ed. 1. stat. 1.  
C. 3. & 40.  
Moor 58. pl.  
164.  
Moor 872. pl.  
1215.  
2 Inst. 681.  
Hob. 243, 261.  
Dyer 72, 264,  
368. Co. Lit.

326. 2 Roll. 410, 491, 499.

VII. Provided furthermore, That this clause or act extend not to give any liberty to any such wife, or to her heirs, for to avoid any lease hereafter to be made of any the inheritance of the wife by her husband and her for term of one and twenty years, or under, or any her inheritance for term of three lives at the uttermost, whereupon as much yearly rent or more is or shall be reserved, and yearly payable during the same lease, as was at any time therefore yielded or paid within twenty years next before the making of any such lease, according to the tenor of this present act; any thing therein contained to the contrary notwithstanding.

Leases made  
by the hus-  
band and the  
wife of the in-  
heritance of  
the wife.  
Gold. 302.  
Pl. 119.

VIII. Provided also, That this act extend not to make good any lease or leases heretofore made by any ecclesiastical person or persons by their covent or common seal, which be made void or taken away by authority of any act of parliament heretofore made; (2) nor extend to make good any lease or leases heretofore made by any ecclesiastical person or persons now being attainted of treason, under their covent seal, or otherwise; (3) or by any other person or persons now being attainted of treason by act of parliament, or otherwise; (4) but that all and singular such lease and leases, and every of them, now made, or hereafter to be made, shall be of such like effect and strength in the law, and none other, as they and every of them were before the making of this act; any thing before mentioned in this act to the contrary thereof notwithstanding.

Leases made  
by ecclesiasti-  
cal persons at-  
tainted of  
treason.  
2 Roll. 507.

#### C A P. XXIX.

All lands lying in *Ofwelbeck Soke*, in the county of *Nottingham*, shall be inheritable according to the common law, and not partable between heirs males, as they have been.

#### C A P. XXX.

*Mispleadings, Feofails.*

FORASMUCH as the party plaintiffs and demandants in all manner of actions and suits, as well real as personal, at the common law of this realm, before this time have been greatly delayed and hindered in their suits and demands, by reason of the crafty, subtle and negligent pleadings of the plaintiffs or demandants, defendants or tenants, where any action or demand hath been sued, had or made, as well in ministring of their declarations and bars, as also in their replies,

This act extendeth to all writs of mandamus, &c. by 9 Ann. c. 20. s. 7. 1 Roll. 86, 200, 303, 374. 2 Roll. 161,

*Kept as is to entry of Writs of Attorney 627 Dec 1501*

168, 187, 368. *Stiles* 307. *2 Cro.* 568. The several inconveniences which have heretofore followed by delays in suits. *Moor* 574. *pl.* 790. —623. *pl.* 852. —867. *pl.* 1198. *1 Cro.* 78. *W. Jones* 140. *33 H. 8. c.* 17. *editions, rejoinders, rebutters, joining of issues, and other pleadings to the great hurry, delay and hindrance of the said plaintiffs or demandants, or to the vexation of the defendants or tenants; (2) inasmuch that when the issues joined in the same actions between the parties to the same hath been tried and found by the verdict of twelve or more different persons, for the said plaintiffs or demandants, or for the tenants or defendants, and the justices ready to give judgment for the said parties for whom the same issue was found, the same parties have been compelled by the course and order of the common law of this realm afore this time, to replead, and the said verdicts so given, as is afore rehearsed, to be taken as void and of none effect; sometime because the issues have been misjoined, and jeofail, and sometime by taking advantages of the parties own mispleading, or in the pursuing, miscontinuing or discontinuing of process of any of the parties, and for divers other causes, the which is thought as well a great slander to the said common law of this realm, and to the ministers of the same, as also a plain delay and hindrance unto the said parties, in that they should not have their judgments when the issue hath been found and tried as is afore said, to their great costs and charges: (3) be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth if any issue be tried by the oath of twelve or more indifferent men, for the party plaintiff or demandant, or for the party of the tenant or defendant, in any manner of action or suit at the common law of this realm, in any of the King's courts of record, that then the justice or justices by whom judgment thereof ought to be given, shall proceed and give judgment in the same; (4) any mispleading, lack of colour, insufficient pleading or jeofail, (5) or any miscontinuance or discontinuance, or misconveying of process, (6) misjoining of the issue, lack of warrant of attorney for the party against whom the same issue shall happen to be tried, (7) or any other default or negligence of any of the parties, their counsellors or attorneys, had or made to the contrary notwithstanding; (8) and the said judgments thereof, so to be had and given, shall stand in full strength and force to all intents and purposes, according to the said verdict, without any reversal or undoing of the same by writ of error, or of false judgment, in like form as though no such default or negligence had never been had or committed.*

2 *Saund.* 318. *1 Salk.* 177, 178. *1 Leon.* 175, 238. *1 Leon.* 195. *1 Bulstr.* 25. *2 Bulstr.* 66. *3 Bulstr.* 180, 301. *Godbolt* 107. *pl.* 1. *Hob.* 69. *5 Co.* 36, 37, 43, 49. *11 Co.* 7. *Bro. Repleader* 40. *Dyer*, 284, 353, 367. *Cro. El.* 131, 133, 153, 227, 257, 302, 339, 535.

When an attorney shall enter his warrant in court. *Co. pla. f.* 167. II. Provided alway, and be it enacted by the authority afore said, in avoiding of errors and other great inconveniences that daily do fortune to arise and grow in the King's courts of record at *Westminster*, through the negligence of attorneys, because they deliver not their warrants of attorney in such actions and suits, wherein they be named attorney, according to the laws of this realm, (2) that all and every such person and persons, which shall fortune hereafter to be attorney to or for any other person or persons, being demandant or plaintiff, tenant or defendant in any

any action or suit at any time hereafter commenced or taken in any of the King's said courts, and plead to an issue in the same action or suit, that then the same attorneys, and every of them, from time to time shall deliver, or cause to be delivered, his or their sufficient and lawful warrant of attorney, to be entred of record, for every of the said actions or suits wherein they be named attorneys, to the officer or his deputy, ordained for the receipt and entring thereof, in the same term when the said issue is entred of record in the said court, or afore, (3) upon pain of forfeiting unto our said sovereign lord x. l. sterling for every default for not delivering of the said warrant of attorney.

III. And also further to suffer such imprisonment, as by the discretion of the justices of the court for the time being, where any such default shall fortune to be had or made, shall be thought convenient. (2) This present act, with the proviso, to endure till the last day of the next parliament.

CAP. XXXI.

A recovery of land had by assent of the parties against tenant for term of life, shall be void, unless it be by good title, or assent of him in the reversion or remainder.

CAP. XXXII.

*Joint tenants for term of life or years.*

**F**ORASMUCH as in the parliament begun at Westminster the twenty-eighth day of April, and there continued till the twentieth day of June, the thirty-first year of the King's most noble and victorious reign that now is, it was amongst other things there enacted and established, That all joint tenants and tenants in common, that then were, or hereafter should be of any estate or estates of inheritance, in their own rights, or in the right of their wives, of any manors, lands, tenements or hereditaments within this realm of England, Wales, or marches of the same, shall and may be coerced and compelled by virtue of the said act, to make partition between them of all such manors, lands, tenements and hereditaments as they then held, or hereafter should hold as joint tenants or tenants in common, as more at large appeareth by the said statute: (2) and forasmuch as the said statute doth not extend to joint tenants and tenants in common for term of life or years, neither to joint tenants or tenants in common, where one or some of them have but a particular estate for term of life or years, and the other have estate or estates of inheritance of and in any manors, lands, tenements and hereditaments: (2) be it therefore enacted by the King our sovereign lord, and by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all joint tenants and tenants in common, and every of them, which now hold, or hereafter shall hold, jointly or in common for term of life, year or years, or joint tenants or tenants in common, where one or some of them have or shall have estate or estates for term of life or years, with the other that have or shall have estate or estates of inheritance or freehold in

Continued by  
33 Hen. 8. c. 17.  
37 M. 8. c. 23.  
Made perpetual by 2 & 3  
Ed. 6. c. 32.  
18 El. c. 14.  
21 Jac. 1. c. 23.

REP. 14 El.  
c. 8.

31 H. 8. c. 1.  
Joint tenants  
and tenants  
in common  
for lives or  
years, shall  
make partition.

2 Bulfr. 214.  
1 Leon 162.  
Joint tenants  
for life or  
years are com-  
pellable to  
make parti-  
tion.

Bro. partition  
any 32, 41.

Co. Lit. 175. a.  
127. a.

any manors, lands, tenements or hereditaments, shall and may be compellable from henceforth, by writ of partition to be pursued out of the King's court of chancery, upon his or their case or cases, to make severance and partition of all such manors, lands, tenements and hereditaments which they hold jointly or in common for term of life or lives, year or years, where one or some of them hold jointly or in common for term of life or years with other, or that have an estate or estates of inheritance of freehold.

Partition to be  
prejudicial to  
none but parties.  
Co. Ent. 412. b.

II. Provided alway, and be it enacted, That no such partition or severance hereafter to be made by force of this act, be, nor shall be, prejudicial or hurtful to any person or persons, their heirs or successors, other than such which be parties unto the said partition, their executors or assigns,

### CAP. XXXIII.

*An act that wrongful disseisin is no descent in law.*

21 Co. 6.  
1 Browl. 137.

The disseisor  
dying seised,  
taketh away  
no title of entry  
from the  
disseisee or his  
heir.

**W**HERE divers persons of their insatiabie minds have heretofore by strength, and without title, entered into manors, lands, tenements and other hereditaments, and wrongfully disseised the rightful owners and possessors thereof, and so being seised by disseisin, have thereof died seised, by reason of which dying seised, the disseisee, or such other persons as before such descent might have lawfully entered into the said manors, lands and tenements, were and be thereby clearly excluded of their entry into the said manors, lands and tenements, and put to their action for their remedy and recovery therein, to their great costs and charges; (2) for reformation whereof, be it enacted by the authority of this present parliament, That the dying seised hereafter of any such disseisor, of or in any manors, lands, tenements, or other hereditaments, having no right or title therein, shall not be taken or deemed from henceforth any such descent in the law, for to toll or take away the entry of any such person or persons, or their heirs, which at the time of the same descent had good and lawful title of entry into the said manors, lands, tenements or hereditaments, except that such disseisor hath had the peaceable possession of such manors, lands, tenements or hereditaments whereof he shall so die seised, by the space of five years next after the disseisin therein by him committed, without entry or continual claim by or of such person or persons as have lawful title thereunto.

Except there  
was five years  
possession in  
the disseisor  
before his  
death,  
Dyer, 219.  
Co. Lit. 238,  
236. a.  
Plowd. 47.  
Hob. 243.  
4 Ann. c. 16.

### CAP. XXXIV.

*Concerning grantees of reversions to take advantage of the conditions to be performed by the lessees.*

1 Roll. 81, 359.  
2 Roll. 170.  
Cro. Jac. 521.  
Godb. 161. pl.  
227, 276, pl.  
391.  
Vaugh. 39.  
Stiles 326.

**W**HERE before this time divers, as well temporal as ecclesiastical and religious persons, have made sundry leases, demises and grants to divers other persons, of sundry manors, lordships, farms, meases, lands, tenements, meadows, pastures, or other hereditaments, for term of life or lives, or for term of years, by writing under their seal or seals, containing certain conditions, covenants and agreements to be performed, as well on the part and behalf of the said lessees and

grantees

grantees, their executors and assigns, as on the behalf of the said lessors and grantors, their heirs and successors; (2) and forasmuch as by the common law of this realm, no stranger to any covenant, action or condition, shall take any advantage or benefit of the same, by any means or ways in the law, but only such as be parties or privies thereunto, by the reason whereof, as well all grantees of reversions, as also all grantees and patentees of the King our sovereign lord, of sundry manors, lordships, granges, farms, meases, lands, tenements, meadows, pastures, or other hereditaments late belonging to monasteries, and other religious and ecclesiastical houses dissolved, suppressed, renounced, relinquished, forfeited, given up, or by other means come to the hands and possession of the King's majesty since the fourth day of February the seven and twentieth year of his most noble reign, be excluded to have any entry or action against the said lessees and grantees, their executors or assigns, which the lessors before that time might by the law have had against the same lessees for the breach of any condition, covenant or agreement comprised in the indentures of their said leases, demises and grants: (3) be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That as well all and every person and persons, and bodies politick, their heirs, successors and assigns, which have or shall have any gift or grant of our said sovereign lord by his letters patents of any lordships, manors, lands, tenements, rents, parsonages, tithes, portions, or any other hereditaments, or of any reversion or reversions of the same, which did belong or appertain to any of the said monasteries, and other religious and ecclesiastical houses, dissolved, suppressed, relinquished, forfeited, or by any other means come to the King's hands since the said fourth day of February the seven and twentieth year of his most noble reign, or which at any time heretofore did belong or appertain to any other person or persons, and after came to the hands of our said sovereign lord, (4) as also all other persons being grantees or assignees to or by our said sovereign lord the King, or to or by any other person or persons than the King's highness, and the heirs, executors, successors and assigns of every of them, (5) shall and may have and enjoy like advantages against the lessees, their executors, administrators and assigns, by entry for non-payment of the rent, or for doing of waste or other forfeiture; (6) and also shall and may have and enjoy all and every such like, and the same advantage, benefit and remedies by action only, for not performing of other conditions, covenants or agreements contained and expressed in the indentures of their said leases, demises or grants, against all and every the said lessees and farmers and grantees, their executors, administrators and assigns, as the said lessors or grantors themselves, or their heirs or successors, ought, should, or might have had and enjoyed at any time or times, (7) in like manner and form as if the reversion of such lands, tenements or hereditaments had not come to the hands of our said sovereign lord, or as our said sovereign lord, his heirs and successors, should or might have

† Mod. 192.  
 1 Show. 284.  
 285.  
 1 Salk. 185.  
 1 Vent. 10.  
 1 Sid. 401, 402.  
 2 Bullitr. 282.  
 Moor 93. pl.  
 230.  
 ---94. pl. 232.  
 ---159. pl. 300.  
 ---242. pl. 380.  
 ---243. pl. 382.  
 ---525. pl. 694.  
 ---527. pl. 695.

Grantees of reversions may take advantage of conditions and covenants against the lessees of the same lands.  
 Moor 876. pl. 1228.  
 Goldsb. 175. pl. 109.  
 Plowd. 175.  
 Dyer, 68, 131, 309.  
 3 Co. 62.  
 5 Co. 112.  
 Bro. entre congeable 139.  
 Cro. El. 600.  
 863.

10 East 130  
 had 5 B. & A. 1  
 1 A. & C. 216. 20. H. 6,  
 4. 696. 3. 115

Cro. Jac. 305.  
Cro. Car. 24,  
44, 137.

Lessees may  
have the like  
remedy a-  
gainst the  
grantees of  
the reversion  
which they  
might have  
had against  
their grantors.

Dyer, 257.  
3 Co. 63.  
5 Co. 16.

Co. Lit. 215.

had and enjoyed in certain cases, by virtue of the act made at the first session of this present parliament, if no such grant in letters patents had been made by his Highness.

II. Moreover be it enacted by authority aforesaid, That all farmers, lessees and grantees of lordships, manors, lands, tenements, rents, parsonages, tithes, portions, or any other hereditaments for term of years, life or lives, their executors, administrators and assigns, shall and may have like action, advantage and remedy against all and every person and persons and bodies politick, their heirs, successors and assigns, which have or shall have any gift or grant of the King our sovereign lord or of any other person or persons, of the reversion of the same manors, lands, tenements, and other hereditaments so letten or any parcel thereof, for any condition, covenant or agreement contained or expressed in the indentures of their lease and leases, as the same lessees, or any of them might and should have had against the said lessors and grantors, their heirs and successors; (2) all benefits and advantages of recoveries in value by reason of any warranty in deed or in law by voucher or otherwise only excepted.

III. Provided always, That this act, nor any thing or things therein contained, shall extend to hinder or charge any person or persons for the breach of any covenant or condition comprised in any such writing, as is aforesaid, but for such covenants and conditions as shall be broken or not performed, after the first day of September next coming, and not before; any thing before in this act contained to the contrary thereof notwithstanding.

### CAP. XXXV.

#### *The justices of forests to make deputies.*

Every justice  
of the King's  
forests, chases  
and parks,  
may make as  
many deputies  
as he will.

**FORASMUCH** as it is much doubted whether the King's justices of his forests, parks and chases within this realm, may lawfully make or depute any deputy or deputies, for the exercising of their said rooms or office of justice of the forests; (2) for the avoiding of which ambiguity and doubt, and to the intent that the laws of the forest may be more truly and speedily executed, it may be enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from henceforth all and every the justice and justices of the King's forests, parks and chases within this realm, which now be, or hereafter shall be, by their writing, sealed with the seal of their office, shall make, assign, depute and appoint, as many deputy or deputies for the exercising of the same office of justice or justices of the forests, as to such justice or justices from time to time shall be thought convenient; (3) which deputy and deputies so appointed shall have like power and authority to do and execute all things concerning the King's forests, parks and chases, and all other things concerning the office and offices of the justice of the forests, to all intents and purposes, and in as large and ample

ample manner and form, as the same justice or justices might or may lawfully do or execute by the laws of this realm, and as though the same justice or justices were there personally present in his or their own person or persons.

## C A P. XXXVI.

*For the exposition of the statute of fines.*

**F**ORASMUCH as in the fourth year of the reign of the late King of famous memory, King Henry the Seventh, father of our most dread sovereign lord the King that now is, it was, among many good and sundry statutes and ordinances then made for the common wealth, enacted, ordained, and established the form and manner how fines should be levied with proclamations in the King's court before his justices of his common place, (2) and that such fines, with proclamations so had and made, to the intent to void all strife and debates, should be a final end, and conclude as well privies as strangers to the same, certain persons excepted and saved, as in the same statute more plainly appeareth; (3) sithen which time, by diversity of interpretations, and expounding of the same statute, it hath been, and is yet, by some manner of persons doubted and called in question, whether fines with proclamations levied or to be levied before the said justices, by any person or persons having, or claiming to have in any manors, lands, tenements or hereditaments comprised in the same fine, in possession, reversion, remainder, or in use, any manner of estate-tail, should immediately after the said fine levied, engrossed, and proclamation made, bind the right heir and heirs of such tenant in tail, and every other person and persons seized or claiming to their use or uses; by occasion whereof divers debates, controversies, suits and troubles have been begun, moved, and had within this realm, and mo be like to ensue, if remedy for the same be not provided; (4) for the establishment and reformation whereof, and for the sure and sincere interpretation of the said statute, in avoiding all dangers, contentions, controversies, ambiguities and doubts that hereafter may ensurge, grow or happen, (5) our said sovereign lord the King, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath enacted and ordained, That all and singular fines, as well heretofore levied, as hereafter to be levied before the said justices with proclamations, according to the said statute, by any person or persons of full age of one and twenty years, of any manors, lands, tenements or hereditaments, before the time of the said fine levied in any wise entailed to the person or persons so levying the same fine, or to any the ancestor or ancestors of the same person or persons in possession, reversion, remainder or in use, shall be, immediately after the same fine levied, engrossed, and proclamations made, adjudged, accepted, deemed and taken, to all intents and purposes, a sufficient bar and discharge for ever against the said person and persons, and their heirs claiming the same lands, tenements and hereditaments, or any parcel thereof, only by force of any such entail, (6) and against all other persons claiming the same, or any parcel thereof, only

4 H. 7. c. 24.  
Moor 114. pl.  
256.  
--- 115. pl. 252.  
--- 146. pl. 290.  
Savil 85, 105.  
2 Roll. 417.  
504.  
Goldsb. 9. pl.  
12.

A fine levied by tenant in tail shall be a bar to the heirs of his body.

Plowd. 246.  
3 Co. 51. & 84.  
7 Co. 32.  
9 Co. 140.  
11 Co. 75.  
Bro. Assur. 6.  
Bro. Feoffm. al  
use 57.  
Bro. Taile 2.  
Bro. fines 109,  
118, 121.  
Co. Lit. 372. a.  
1 Bulstr. 13.  
13 Ed. 1. stat. 1.  
c. 1.  
1 Leon. 244.  
2 Leon. 36, 57,  
62, 224.  
3 Leon. 10.  
1 Anderf. 3.  
39, 141.  
Skinner, 95.  
2 And. 109,  
114.

to their use, or to the use of any manner of heir of the bodies of them; any ambiguity, doubt or contrariosity of opinion, risen or grown upon the said estatute to the contrary notwithstanding.

A fine levied by the wife of the inheritance of her late husband shall be void.

11 H. 7. c. 20.

II. Provided alway, That this act, nor any thing therein contained, shall extend to bar or exclude the lawful entry, title or interest of any heir or heirs, person or persons, heretofore given or hereafter to be given, grown or accrued to them or any of them, in or to any manors, lands, tenements and hereditaments, by reason of any fine or fines heretofore levied, or hereafter to be levied, by any woman after the death of her husband, contrary to the form, intent and effect of the statute made in the said eleventh year of the said King *Henry* the Seventh, of any manors, lands, tenements and hereditaments, of the inheritance or purchase of the said husband or of any his ancestors, given or assigned to any such woman in dower, for term of life or in tail, in use or in possession, (2) but that the same act made in the said eleventh year of the said late King *Henry* the Seventh shall stand, remain and be in full strength and virtue in every article, sentence and clause therein contained, in like manner and form as though this present act had never been had ne made.

A fine levied by him which is restrained by parliament shall be void.

Kailw. 210.

III. Provided also, That this act, ne any thing therein contained, do extend to any fine or fines at any time heretofore levied, or hereafter to be levied, of any lordships, manors, lands, tenements or other hereditaments whatsoever they be, the possessioners and owners whereof, by reason of any expresse words contained in any special act or acts of parliament made or ordained since the said fourth year of the reign of the said late King *Henry* the Seventh, stand, be bounden or restrained from making any alienations, discontinuances, or other alterations of any of the same lordships, manors, lands, tenements or other hereditaments, contained in the said fine or fines; (2) but that all and every such fine and fines at any time heretofore levied, or hereafter to be levied, by any such person or persons or their heirs, of any such lordships, manors, lands, tenements or other hereditaments, shall be of such like force and strength in the law, and of none other effect than the same fine so levied, or to be levied, should have been if this present act had never been had nor made; any thing therein contained to the contrary thereof in any wise notwithstanding.

A fine levied of lands in suit.

A fine of lands before recovered.

1 And. 16.

IV. Provided also, That this act, nor any thing therein contained, shall extend to any fine or fines heretofore levied of any manors, lands, tenements or hereditaments now in suit, demand or variance, in any of the King's courts, or whereof any charters, evidences or muniments concerning the same, be now in demand in the King's high court of chancery; (2) nor to any fine or fines heretofore levied of any manors, lands, tenements or hereditaments, which before the first day of this present parliament have been recovered, gotten or obtained by reason of any judgment, entry, decree, arbitrement, or other lawful means,

means, contrary to the purport, intent or effect of any such fine or fines thereof, heretofore levied; (3) nor to any fine or fines heretofore levied, or hereafter to be levied, by any person or persons, of any manors, lands, tenements or hereditaments, before the time of the levying of the same fine, given, granted or assigned to the said person or persons so levying the same fine, or to any of his or their ancestors in tail, by virtue of any letters patents of our said sovereign lord, or any of his progenitors, or by virtue of any act or acts of parliament, the reversion whereof, at the time of the same fine or fines so levied, being in our said sovereign lord, his heirs or successors; (4) but that every such fine and fines shall be of like force, strength and effect, as they were or should have been, if this act had never been had nor made.

A fine of lands whereof the reversion is in the King. A fine levied by one restrained by act of parliament. Dyer 32. 6 Co. 55. 8 Co. 74. Bro. Assur. 6. Bro. Fines 121.

### C A P. XXXVII.

*For recovery of arrearages of rents by executors of tenant in fee-simple.*

**F**Orasmuch as by the order of the common law, the executors or administrators of tenants in fee-simple, tenants in fee-tail, and tenants for term of lives, of rents services, rent charges, rents secks, and fee-farms, have no remedy to recover such arrearages of the said rents or fee-farms as were due unto their testators in their lives, (2) nor yet the heirs of such testator, nor any person having the reversion of his estate after his decease, may distrain, or have any lawful action to levy any such arrearages of rents or fee-farms, due unto him in his life as is aforesaid; (3) by reason whereof, the tenants of the demean of such lands, tenements or hereditaments, out of the which such rents were due and payable, who of right ought to pay their rents and farms at such days and terms as they were due, do many times keep, hold and retain such arrearages in their own hands; so that the executors and administrators of the persons to whom such rents or fee-farms were due, cannot have or come by the said arrearages of the same, towards the payment of the debts and performance of the will of the said testators: (4) For remedy whereof, be it enacted by the authority of this present parliament, That the executors and administrators of every such person or persons, unto whom any such rent or fee-farm is or shall be due, and not paid at the time of his death, shall and may have an action of debt for all such arrearages, against the tenant or tenants that ought to have paid the said rent or fee-farms so being behind in the life of their testator, or against the executors and administrators of the said tenants; (5) and also furthermore, it shall be lawful to every such executor and administrator of any such person or persons unto whom such rent or fee-farm is or shall be due, and not paid at the time of his death as is aforesaid, to distrain for the arrearages of all such rents and fee-farms, upon the lands, tenements and other hereditaments, which were charged with the payment of such rents or fee-farms, and chargeable to the distress of the said testator, (6) so long as the said lands, tenements or hereditaments continue, remain and

Vaughan 39. 2 Roll. 370. 382. 457. A remedy for executors, &c. to recover a rent due to their testator in his lifetime. 1 Leon. 302. Cro. El. 803. Cro. Car. 474.

be in the seisin or possession of the said tenant in demesne, who ought immediately to have paid the said rent or fee-farm so being behind, to the said testator in his life, (7) or in the seisin or possession of any other person or persons claiming the said lands, tenements and hereditaments, only by and from the same tenant by purchase, gift or descent, (8) in like manner and form as their said testator might or ought to have done in his life-time, and the said executors and administrators shall, for the same distress, lawfully make avowry upon their matter aforesaid.

2 Vern. ca.  
559.

Redemption  
money paid in  
Wales and the  
marches.  
2 Leon. 33.  
Vaugh. 415.

II. Provided always, That this act, nor any thing therein contained, shall not extend to any such manor, lordship, or dominion in *Wales*, or in the marches of the same, whereof the inhabitants have used, time out of the mind of man, to pay unto every lord, or owner of such lordship, manor or dominion, at his or their first entry into the same, any sum or sums of money, for the redemption and discharge of all duties, forfeitures and penalties, wherewith the said inhabitants were chargeable to any of their said lords ancestors or predecessors before his said entry.

The hus-  
band's reme-  
dy for rent  
due in the  
right, and in  
the life of his  
wife.  
Co. pl. f. 119.  
Vaugh. 38.  
4 Co. 51.  
Co. Lit. 351. b.  
Goldsb. 30.  
pl. 1.

III. And further be it enacted by the authority aforesaid, That if any man which now hath, or hereafter shall have in the right of his wife, any estate in fee-simple, fee-tail, or for term of life, of or in any rents or fee-farms, and the same rents or fee-farms now be, or hereafter shall be due, behind and unpaid in the said wife's life; then the said husband, after the death of his said wife, his executors and administrators, shall have an action of debt for the said arrearages against the tenant of the demesne that ought to have paid the same, his executors or administrators; (2) and also the said husband, after the death of his said wife, may distrain for the said arrearages, in like manner and form, as he might have done if his said wife had been then living, and make avowry upon his matter as is aforesaid.

The remedy  
for a rent, the  
estate whereof  
dependeth up-  
on another's  
life being  
dead.  
1 Anderf. 47.  
2 Leon. 59.  
3 Co. 118.  
4 Co. 39.  
2 Leon. 153.

IV. And likewise it is further enacted by the authority aforesaid, That if any person or persons which now have, or hereafter shall have, any rents or fee-farms for term of life or lives, of any other person or persons, and the said rent or fee-farm now be, or hereafter shall be due, behind and unpaid in the life of such person or persons for whose life or lives the estate of the said rent or fee-farm did depend or continue, and after the said person or persons do die, then he unto whom the said rent or fee-farm was due in form aforesaid, his executors or administrators shall and may have an action of debt against the tenant in demesne, that ought to have paid the same when it was first due, his executors and administrators, (2) and also distrain for the same arrearages upon such lands and tenements out of the which the said rents or fee-farms were issuing and payable, (3) in such like manner and form as he ought or might have done, if such person or persons by whose death the aforesaid estate in the said rents and fee-farms was determined and expired, had been in full life and not dead; and the avowry for the taking of the same distress to be made in manner and form aforesaid.

Co. Lit. 162. a.

## CAP. XXXVIII.

*For marriages to stand notwithstanding pre-contracts.*

**W**HEREAS heretofore the usurped power of the bishop of Rome hath always intangled and troubled the meer jurisdiction and regal power of this realm of England, and also unquieted much the subjects of the same, by his usurped power in them, as by making that unlawful which by God's word is lawful, both in marriages and other things, as hereafter shall appear more at length, and till now of late in our sovereign lord's time, which is otherwise by learning taught than his predecessors in times past of long time have been, hath so continued the same, whereof yet some sparks be left, which hereafter might kindle a greater fire, and so remaining, his power not to seem utterly extinct:

What marriages are lawful, and what not.  
2 Inst. 683.

II. Therefore it is thought most convenient to the King's highness, his lords spiritual and temporal, with the commons of this realm, assembled in this present parliament, That two things specially for this time, be with diligence provided for, whereby many inconveniencies have ensued, and many mo else mought ensue and follow; (1) as where heretofore divers and many persons after long continuance together in matrimony, without any allegation of either of the parties, or any other at their marriage, why the same matrimony should not be good, just and lawful, and after the same matrimony solemnized and consummate by carnal knowledge, and also sometime fruit of children ensued of the same marriage, have nevertheless, by an unjust law of the bishop of Rome, which is, That upon pretence of a former contract made, and not consummate by carnal copulation (for proof whereof two witnesses by that law were only required) been divorced and separate, contrary to God's law, and so the true matrimony, both solemnized in the face of the church, and consummate with bodily knowledge, and confirmed also with the fruit of children had between them, clearly frustrate and dissolved: (2) Further also, by reason of other prohibitions than God's law admitteth, for their lucre by that court invented, the dispensations whereof they always reserved to themselves, as in kindred or affinity between cousin-germans, and so to fourth and fourth degree, carnal knowledge of any of the same kin, or affinity before in such outward degrees, which else were lawful, and be not prohibited by God's law, (4) and all because they would get money by it, and keep a reputation to their usurped jurisdiction, whereby not only much discord between lawful married persons hath (contrary to God's ordinance) arisen, much debate and suit at the law, with wrongful vexation, and great damage of the innocent party hath been procured, and many just marriages brought in doubt and danger of undoing, and also many times undone, and lawful heirs disherited, whereof there had never else, but for his vain glorious usurpation, been moved any such question, since freedom in them was given us by God's law, which ought to be most sure and certain; (5) but that notwithstanding, marriages have been brought into such an uncertainty thereby, that no marriage could be so surely knit and bounden, but it should lie in either of the parties power and arbiter, casting away the

The enormity of avoiding marriages by pre-contracts.

The inconveniencies of dispensations to marry.

*fear of God, by means and compasses to prove a pre-contract, a kindred and alliance, or a carnal knowledge, to defeat the same, and so under the pretence of these allegations afore rehearsed, to live all the days of their lives in detestable adultery, to the utter destruction of their own souls, and the provocation of the terrible wrath of God upon the places where such abominations were used and suffered:*

Co. Lit. 235. a.  
All persons be  
lawful to con-  
tract marriage  
that be not  
prohibited by  
God's law.

Vaugh. 206.  
That mar-  
riage is indis-  
soluble which  
is contracted  
and solemn-  
ized in the face  
of the church,  
and consum-  
mate with bo-  
dily know-  
ledge or fruit  
of child, not-  
withstanding  
any pre-con-  
tract.

Repealed by 2  
& 3 Ed. 6.

c. 23. f. 2. and  
1 & 2.

Ph. & M. c. 8.  
f. 20. and in  
part revived  
by 1 El. c. 1.

f. 12. as to so  
much as is not  
repealed by 2  
& 3 Ed. 6.

c. 23.

(6) Be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That from the first day of the month of *July* next coming, in the year of our Lord God 1540. all and every such marriages as within this church of *England* shall be contracted between lawful persons (as by this act we declare all persons to be lawful, that be not prohibited by God's law to marry) (7) such marriages being contract and solemnized in the face of the church, and consummate with bodily knowledge, or fruit of children or child being had therein between the parties so married, shall be by authority of this present parliament aforesaid deemed, judged and taken to be lawful, good, just and indissoluble, notwithstanding any pre-contract or pre-contracts of matrimony not consummate with bodily knowledge, which either of the parties so married or both shall have made with any other person or persons before the time of contracting that marriage which is solemnized and consummate, or whereof such fruit is ensued, or may ensue, as afore, and notwithstanding any dispensation, prescription, law or other thing granted or confirmed by act, or otherwise; (8) and that no reservation or prohibition, God's law except, shall trouble or impeach any marriage without the Levitical degrees; (9) and that no person, of what estate, degree or condition soever he or she be, shall, after the first day of the said month of *July* aforesaid, be admitted in any of the spiritual courts within this the King's realm, or any his Grace's other lands and dominions, to any process, plea or allegation, contrary to this foresaid act.

#### C A P. XXXIX.

The great master of the King's house shall have all authority that the lord steward had. Rep. 1 *Mar. Stat.* 3. c. 4.

#### C A P. XL.

##### *For physicians and their privilege.*

4 Inst. 251.

Cro. Jac. 121,

259.

Cro. Car. 256.

Privileges  
granted to  
physicians in  
London.

**I**N most humble wise sheweth unto your Majesty, your true and faithful subjects and liege men, the president of the corporation of the commonalty and fellowship of the science and faculty of physick in your city of London, and the commons and the fellows of the same, that whereas divers of them many times having in cure, as well some of the lords of your most honourable council, and divers times many of the nobility of this realm, as many other of your faithful and liege people, cannot give their due attendance to them, and other their patients, with such diligence as their duty were and is to do, by reason they be many times compelled, as well within the city of London and

suburbs

suburbs of the same, as in other towns and villages, to keep watch and ward, and be chosen to the office of constable, and other offices within the city and suburbs of the same, as in other places within this your realm, to their great fatigation and unquieting, and to the peril of their patients, by reason they cannot be conveniently attended :

(2) It may therefore please your most excellent Majesty, with the assent of your lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to enact, ordain and establish, That the president of the said commonalty and fellowship for the time being, and the commons and fellows of the same, and every fellow thereof, that now be, or at any time hereafter shall be, their successors, and the successors of every of them, at all time and times after the making of this present act, shall be discharged to keep any watch or ward in your said city of London, or the suburbs of the same, or any part thereof; (3) and that they or any of them shall not be chosen constable, or any other officer in the said city or suburbs; (4) and that if at any time hereafter the said president for the time being, or any of the said commons or fellows for the time being, by any ways or means be appointed or elected to any watch or ward, office of constable, or any other office, within the said city or suburbs, the same appointment or election to be utterly void and of none effect; any order, custom or law to the contrary before this time used in the said city notwithstanding.

The physicians in London shall be discharged to bear certain offices there.

II. And that it may please your most royal Majesty, by the authority aforesaid, That it may be further enacted, ordained and established, for the common wealth and surety of your loving subjects of this your realm, in and for the administration of medicines to such of your said subjects as shall have need of the same, That from henceforth the said president for the time being, commons and fellows, and their successors, may yearly, at such time as they shall think most meet and convenient for the same, elect and choose four persons of the said commons and fellows, of the best learned, wisest and most discreet, such as they shall think convenient, and have experience in the said faculty of physick; (2) and that the said four persons so elected and chosen, after a corporal oath to them ministred by the said president or his deputy, shall and may, by virtue of this present act, have full authority and power, as often as they shall think meet and convenient, to enter into the house or houses of all and every apothecary, now or at any time hereafter using the mystery or craft of apothecary within the said city, only to search, view and see such apothecary wares, drugs and stuffs, as the said apothecaries, or any of them have, or at any time hereafter shall have, in their house or houses; (3) and all such wares, drugs and stuffs, as the said four persons shall then find defective, corrupted, and not meet nor convenient to be ministred in any medicines for the health of man's body, the same four persons calling to them the warden of the said mystery of apothecaries within the said city for that time being, or one of them,

Four physicians shall be chosen yearly to search apothecary wares in London.

Altered by 10.  
Geo. 1. c. 20.

The forfeiture  
of an apothecary  
that refuseth to have  
his house  
searched.

1 M. ft. 2. c. 9.

The forfeiture  
of such as be-  
ing elect refuse  
to be sworn,  
or to make  
search.

Any of the  
physicians in  
London may  
practise sur-  
gery.

them, shall cause to be brent, or otherwise destroy the same, and they shall think meet by their discretion; (4) and if the said apothecaries, or any of them, at any time hereafter do obstinately or willingly refuse or deny the said four persons yearly elected and chosen, as is before said, to enter into their said house or houses for the causes, intent and purpose before rehearsed; that then they and every of them so offending contrary to this act, for every time that he or they do so offend, to forfeit C. s. (5) the one half to your Majesty, and the other half to him that will sue for the same by action of debt, bill, plaint or information, in any of the King's courts, wherein no wager of law, essoin or protection shall be allowed; (6) and if the said four persons, or any of them, so elected and chosen as before is said, do refuse to be sworn, or after his said oath to him or them administered, do obstinately refuse to make the said search and view once in the year, at such time as they shall think most convenient by their discretions, having no lawful impediment by sickness, or otherwise, to the contrary; that then for every such wilful and obstinate default, every of the said four persons making default to forfeit forty shillings.

III. And forasmuch as the science of physick doth comprehend, include and contain the knowledge of surgery, as a special member and part of the same; therefore be it enacted, That any of the said company or fellowship of physicians, being able, chosen and admitted by the said president and fellowship of physicians, may from time to time, as well within the city of London, as elsewhere within this realm, practise and exercise the said science of physick in all and every his members and parts; any act, statute or provision made to the contrary notwithstanding.

#### CAP. XLI.

REP. 21. Jac. Which inholders may bake horse-bread within their house, notwithstanding the statutes of 13 R. 2. Stat. 1. c. 8. and 4 H. 4. c. 25.

#### CAP. XLII.

*For barbers and surgeons.*

The authority  
and liberties  
of barbers and  
surgeons in  
London, be-  
ing made of  
one company.  
18 Geo. 2.  
c. 15.

THE King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, by all their common assents, duly pondering, among other things necessary for the common wealth of this realm, that it is very expedient and needful to provide for men expert in the science of physick and surgery, for the health of man's body, when infirmities and sickness shall happen, for the due exercise and maintenance whereof good and necessary acts be already made and provided; (2) yet nevertheless, forasmuch as within the city of London, where men of great experience, as well in speculation as in practice of the science and faculty of surgery, be abiding and inhabiting, and have more commonly the daily exercise and experience of the same science of surgery, than is had or used within other parts of this realm;

and by occasion thereof many expert persons be brought up under them as their servants, apprentices and others, who by the exercise and diligent information of their said masters, as well now as hereafter, shall exercise the said science within divers other parts of this realm, to the great relief, comfort and succour of much people, and to the sure safeguard of their bodily health, their limbs and lives; (3) and forasmuch as within the said city of London there be now two several and distinct companies of surgeons, occupying and exercising the said science and faculty of surgery, the one company being called The barbers of London, and the other company called The surgeons of London; (4) which company of barbers be incorporated to sue and to be sued by the name of masters or governors of the mystery or commonalty of the barbers of London, by virtue and authority of the letters patents under the great seal of the late King of famous memory, King Edward the Fourth, dated at Westminster the four and twentieth day of February in the first year of his reign, which afterward, as well by our now most dread sovereign lord, as by the right noble and virtuous prince King Henry the seventh, father unto the King's most excellent highness now being, were and be confirmed, as by sundry letters patents thereof made, amongst other things in the same contained, more at large may appear; (5) and the other company, called the surgeons, be not incorporate, nor have any manner of corporation; (6) which two several and distinct companies of surgeons were necessary to be united, and made one body incorporate, to the intent that by their union and often assembly together, the good and due order, exercise and knowledge of the said science or faculty of surgery, should be, as well in speculation as in practice, both to themselves and all other their said servants and apprentices, now and hereafter to be brought up under them, and by their learnings and diligent and ripe informations, more perfect, speedy and effectual remedy should be, than it hath been, or should be if the said two companies of barbers and surgeons should continue severed asunder, and not joined together, as they before this time have been, and used themselves, not meddling together; (7) wherefore in consideration of the premisses, be it enacted by the King our sovereign lord, and by the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by the authority of the same, That the said two several and distinct companies of surgeons, that is to say, both the barbers and the surgeons, and every person of them, being a freeman of either of the said companies, after the custom of the said city of London, and their successors, from henceforth immediately be united and made one entire and whole body corporate, and one commonalty perpetual, which at all times hereafter shall be called by the name of masters or governors of the mystery and commonalty of barbers and surgeons of London, for evermore, and by none other name; (8) and by the same name to implead and be impleaded before all manner of justices, in all courts, in all manner of actions and suits; (9) and also to purchase, enjoy, and to take to them and to their successors, all manner of lands, tenements, rents and other possessions, whatsoever they be; (10) and also shall have a common seal, to serve for the business

By whom, and at what time barbers of London were incorporate.

The benefit like to ensue by joining the barbers and surgeons in one company.

The barbers and surgeons of London made one company, and incorporated.

of

of the said company and corporation for ever; (11) and by the same name peaceably, quietly and indefeasibly shall have, possess and enjoy to them, and to their successors for ever, all such lands and tenements, and other hereditaments whatsoever, which the said company or commonalty of barbers have and enjoy to the use of the said mystery and commonalty of barbers of *London*; (12) and also shall peaceably and quietly have and enjoy all and singular benefices, grants, liberties, privileges, franchises and free customs, and also all manner of other things at any time given or granted unto the said companies of barbers or surgeons, by whatsoever name or names they or any of them were called, and which they or any of them now have, or any of their predecessors have had, by acts of parliament, letters patents of the King's highness, or other his most noble progenitors, or otherwise by any other lawful means have had at any time afore this present act, in as large and ample manner and form, as they or any of them have, had, might or should enjoy the same; this union or conjunction of the said companies together notwithstanding; (13) and as largely to have and enjoy the premises, as if the same were and had been specially and particularly expressed and declared with the best and most clearest words and terms in the law, to all intents and purposes; (14) and that all persons of the said company now incorporate by this present act, and their successors, that shall be lawfully admitted and approved to occupy surgery, after the form of the statute in that case ordained and provided, shall be exempt from bearing of armour, or to be put in any watches or inquests; (15) and that they and their successors shall have the search, oversight, punishment and correction, as well of freemen as of foreigners, for such offences as they or any of them shall commit or do against the good order of barbery or surgery, as afore this time among the said mystery and company of barbers of *London* hath been used and accustomed, according to the good and politick rules and ordinances by them made, and approved by the lord chancellor, treasurer and two chief justices of either bench, or any three of them, after the form of the statute in that case ordained and provided.

The barbers  
and surgeons  
in *London* ex-  
empt from  
bearing of  
arms, or to be  
in watches or  
inquests.  
5 H. 8. c. 6.  
19 H. 7. c. 7.

The surgeons  
may take  
yearly four  
condemned  
persons for  
anatomies.

II. And further be it enacted by the authority aforesaid, That the said masters or governors of the mystery and commonalty of barbers and surgeons of *London*, and their successors yearly for ever, after their sad discretions, at their free liberty and pleasure, shall and may have and take without contradiction four persons condemned, adjudged, and put to death for felony by the due order of the King's laws of this realm, for anatomies, without any further suit or labour to be made to the King's highness, his heirs or successors for the same; (2) and to make incision of the same dead bodies, or otherwise to order the same after their said discretions at their pleasures, for their further and better knowledge, instruction, insight, learning and experience in the said science or faculty of surgery; (3) saving unto all persons, their heirs and successors, all such right, title, interest and demand, which they or any of them might lawfully claimor have

have in or to any of the lands and tenements, with the appurtenances, belonging unto the said company of barbers and surgeons, or any of them, at any time afore the making of this act, in as ample manner and form as they or any of them had or ought to have had heretofore; any thing in this present act comprised to the contrary hereof in any wise notwithstanding.

III. *And forasmuch as such persons using the mystery or faculty of surgery, oftentimes meddle and take into their cures and houses such sick and diseased persons as been infected with the pestilence, great pox, and such other contagious infirmities, do use or exercise barbery, as washing or shaving, or other feats thereunto belonging, which is very perilous for infecting the King's liege people resorting to their shops and houses, there being washed or shaven:* (2) wherefore it is now enacted, ordained and provided by the authority aforesaid, That no manner of person within the city of *London*, suburbs of the same, and one mile compass of the said city of *London*, after the feast of the nativity of our Lord God next coming, using barbery or shaving, or that hereafter shall use any barbery or shaving within the said city of *London*, suburbs, or one mile circuit of the same city of *London*, he nor they, nor none other for them, to his or their use, shall occupy any surgery, letting of blood, or any other thing belonging to surgery; drawing of teeth only except. (3) And furthermore in like manner, whosoever that useth the mystery or craft of surgery within the circuit aforesaid, as long as he shall fortune to use the said mystery or craft of surgery, shall in no wise occupy nor exercise the feat or craft of barbery or shaving, neither by himself, nor by none other for him, to his or their use: (4) and moreover, that all manner of persons using surgery for the time being, as well freemen as foreigners, aliens and strangers within the said city of *London*, the suburbs thereof, and one mile compass of the said city of *London*, before the feast of St. *Michael* the archangel next coming, shall have an open sign on the street-side where they shall fortune to dwell, that all the King's liege people there passing by, may know at all times whither to resort for remedies in time of necessity.

No barber in London shall use surgery,

nor any surgeon of London use barbery.

Every surgeon of London shall have a sign at his door.

IV. And further be it enacted by the authority aforesaid, That no manner of person, after the said feast of St. *Michael* the archangel next coming, presume to keep any shop of barbery or shaving within the city of *London*, except he be a free-man of the same corporation and company.

None shall be a barber in London but a freeman of that company.

V. And furthermore at such times heretofore accustomed, there shall be chosen by the same company four masters or governors of the same corporation or company, of the which four, two of them shall be expert in surgery, and the other two in barbery; (2) which four masters, and every of them, shall have full power and authority from time to time, during their said office, to have the oversight, search, punishment and correction of all such defaults and inconveniencies as shall be found among the said company using barbery or surgery, as well of freemen as foreigners, aliens or strangers, within the city of *London* and the

Four wardens shall be chosen, and their authority.

the

The forfeitures of offenders.

the circuits aforesaid, after their said discretions: (3) and if any person or persons using any barbery or surgery, at any time hereafter offend in any of these articles aforesaid, that then for every month the said persons so offending shall lose, forfeit and pay v li. the one moiety thereof to the King our sovereign lord, and the other moiety to any person that will or shall sue therefore by action of debt, bill, plaint or information in any the King's courts, wherein no wager of law, essoin or protection shall be admitted or allowed in the same.

VI. Provided that the said barbers and surgeons, and every of them, shall bear and pay lot and scot, and such other charges as they and their predecessors have been accustomed to pay within the said city of London; this act, nor any thing therein contained to the contrary hereof in any wise notwithstanding.

Any person may keep a barber or surgeon as his servant.

VII. Provided alway, and be it enacted by authority aforesaid, That it shall be lawful to any of the King's subjects, not being barber or surgeon, to retain, have and keep in his house as his servant, any person being a barber or surgeon, which shall and may use and exercise those arts and faculties of barbery or surgery, or either of them, in his master's house, or elsewhere by his master's licence or commandment; any thing in this act above written to the contrary notwithstanding.

### C A P. XLIII.

*An act concerning the county palatine of Chester for shire-days.*

27 H. 8. c. 5.  
In what manner shire-days in the county of Chester had wont to be kept.

**W**HERE it is enacted and established in the xxvij. year of our sovereign lord the King that now is, as well for the increase and augmentation of good rule and order to be had and done in the county palatine of Chester, and other shires, as for the administration of justice among the King's subjects there, That the lord chancellor of England, or the lord keeper of the great seal for the time being, shall have authority from time to time to nominate and appoint justices of peace, justices of quorum, and justices of gaol-delivery, as well within the said county palatine of Chester, and other shires and parts of Wales, by commission under the King's great seal; (2) which persons so named shall have full power and authority to enquire, hear and determine all manner thing and things inquirable, presentable, or determinable before justices of peace, justices of quorum, and justices of gaol-delivery in other shires of this realm of England, and to do, use and execute every thing and things as other justices of peace, quorum, and gaol-delivery, do in other shires of England, (3) and that they shall keep their sessions there, as they do in other shires of England, upon like penalty as hath been ordained for such abuses in such justices in other shires of England; any law, act, statute, usage, custom, privilege, prescription or liberty to the contrary thereof in any wise notwithstanding, as in the said statute made in the said xxvij. year, amongst other things more plainly appeareth: (4) by reason of which act it is now used to keep sessions in the said county palatine of Chester, as it is used in other shires of England. (5) Also it is used in the said county palatine of Chester, that the justicer of the same for the time

time being bath yearly, time out of mind, used to keep the shires or county-days in manner and form following, that is to say, one year eight shires or county days, and another year nine shires or county-days, to the which the gentlemen, freeholders and suitors of the said county, are bounden of ancient custom and duty to appear and give their attendance to serve the King; (6) which shires and county-days, come very oftentimes in the year; and now by reason of the said new statute of justices of peace had in the said county, the said gentlemen, freeholders and suitors of the said county, being bounden of their said old custom and law to give their attendance and appearance to the said shires and county-days, are now bounden also to give their appearance and attendance at four quarter-sessions, and other privy sessions in the said county; (7) by mean whereof the said appearance and attendance cometh so oftentimes and so thick together, that at many times they cannot depart from the one court, and attend their business scarcely one day, or sometimes less, but they must again ride to serve the other court, which is too painful, chargeable, intolerable and importune for any man to sustain and abide; (8) in consideration whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth the law and administration of justice, and all other things in the said county in times past used to be had at the said shire-days, shall be holden, had, made, done and executed by the justicer of the said county for the time being, at two times in the year only, that is to wit, at the sessions next after the feast of St. Michael the archangel, and at the sessions next after Easter yearly for ever, during so many days at every of the said times as need shall require, in like manner and form as it is now used and executed in the county palatine of Lancaster; (9) and that no action, suit or process now or hereafter to be depending in the said counties, shall be thereby discontinued, hurt or impaired, nor any advantage therein to be taken by error, discontinuance of process, ne otherwise, but the same to proceed after the same new order: (10) and that from henceforth the said old order, rule and custom in holding of the said counties or shire-days, shall utterly cease and determine for ever; any act, statute, prescription, grant, usage, custom, privilege, law, liberty, constitution or confirmation heretofore had, made, accustomed or used to the contrary in any wise notwithstanding.

Sessions shall be kept in Chester twice in the year only.

The old order of keeping the county-days shall cease.

Altered by 33 H. 8. c. 13. f. 1.

#### CAP. XLIV.

The town of *Royston*, being before in five parishes, shall be reduced into one parish, which shall have the priory church to their parish church, and be called the parish of St. John Baptist in *Royston*: (2) and there shall be a vicar always presented by the King, his heirs and successors; which vicar may sue and be sued, and purchase lands to him and his successors: and the parish church and town of *Royston* shall be in the diocese of *London*.

CAP.

## CAP. XLV.

4 Inst. 120.  
34 & 35 H. 8.  
c. 17.  
7 Ed. 6. c. 2.  
Altered by  
1 M. sess. 2.  
c. 10.  
1 El. c. 4. f. 24.

There shall be erected a court of record, commonly called the court of the first-fruits and tenths, for the levying and government of the first-fruits and tenths granted to the King by the statute of 26 H. 8. c. 3. which shall have a seal; the officers whereof shall be the chancellor, the treasurer, the King's attorney, two auditors, two clerks, a messenger, and an usher: their several oaths, charges and duties.

## CAP. XLVI.

33 H. 8. c. 22.  
& 39.  
7 Ed. 6. c. 2.  
Rep. 12 Car. 2.  
c. 24.

The erection of the court of wards, and the names and several duties of the officers thereof, in the governance of the King's wards, and their estates.

## CAP. XLVII.

26 H. 8. c. 3.  
27 H. 8. c. 8.  
Repealed by  
2 & 3 Ph. &  
M. c. 4. and  
revived by  
1 El. c. 4.

An act that the bishop of *Norwich* shall be charged with the collection of the King's tenths, notwithstanding a statute of 27 H. 8. exempteth the bishop of *Norwich* from collecting of the tenths in his diocese. The bishop of *Norwich* and his successors shall collect the tenths of all spiritual promotions within his diocese.

## CAP. XLVIII.

The owners of lands holden of the castle of *Dover*, which are bound by their tenures to pay their rents at the said castle upon great penalties called Surfizes, shall hereafter pay the same rents to the King in the exchequer, in the day of *Simon* and *Jude*, or within fifteen days after; and he that maketh default at that time, shall pay double the rent; but he that is bound to build or repair there, shall do it accordingly. During the time that the King shall have any of the lands in his hands for wardship, or primer seisin, no rent shall be paid for castleward to *Dover*. A hundred and sixty pound shall be quarterly paid every year to the constable of the castle of *Dover*, at the door of the common hall in the city of *Canterbury*, by the King's general receiver, to discharge officers and soldiers. The constable of the castle of *Dover* shall survey and controll the keepers and chief officers of the castles, blockhouses and bulwarks in *Kent* and *Sussex*, and all officers, soldiers and munitions there.

## CAP. XLIX.

A confirmation by act of parliament of the King's general and free pardon to all his subjects, of all heresies, treasons, felonies, offences, &c. saving certain persons and certain offences particularly excepted.

## CAP. L.

4 Inst. 246.

A grant of a subsidy, and raising a president and council in the western parts, having like authority as the council of *Wales*, and the north.

Statute

Statutes made at *Westminster*, Anno 33 HEN. VIII.  
and Anno Dom. 1541.

**H**ENRY the Eighth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth supreme head, to the honour of Almighty God, and for the concord, quiet and wealth of this his realm, and subjects of the same, held his most high court of parliament, begun at Westminster the sixteenth day of January, and continued till the first day of April, the three and thirtieth year of his most noble and victorious reign, wherein were established these acts following.

CAP. I.

*A bill against them that counterfeit letters or privy tokens to receive money or goods in other mens names.*

**F**ORASMUCH as many light and evil-disposed persons, not minding to get their livings by truth, according to the laws of this realm, but compassing and devising daily how they may unlawfully obtain and get into their hands and possession goods, chattels and jewels of other persons, for the maintenance of their unthrifty living, and also knowing that if they come to any of the same goods, chattels and jewels by stealth, that then they, being thereof lawfully convicted according to the laws of this realm, shall die therefore; have now of late falsly and deceitfully contrived, devised and imagined privy tokens, and counterfeit letters in other mens names, unto divers persons their special friends and acquaintances, for the obtaining of money, goods, chattels and jewels of the same persons, their friends and acquaintances, by colour whereof the said light and evil-disposed persons have deceitfully and unlawfully obtained and gotten great substance of money, goods, chattels and jewels into their hands and possession, contrary to right and conscience:

II. For reformation whereof, be it ordained and enacted by the authority of this present parliament, That if any person or persons, of what estate or degree soever he or they be, at any time after the first day of April next coming, falsly and deceitfully obtain or get into his or their hands or possession, any money, goods, chattels, jewels, or other things of any other person or persons, by colour and means of any such false token or counterfeit letter made in any other man's name, as is aforesaid, that then every person and persons so offending, and being thereof lawfully convict, by witnesses taken before the lord chancellor of England for the time being, or by examination of witnesses, or confession taken in the star-chamber at Westminster before the King's most honourable council, or before the justices of assize in their circuits for the time being, or before the justices of peace within any part of the King's dominions in their general sessions, Punishment of him who getteth money in-

to his hands of another person's, under colour of a false token or counterfeited letter.

or by action in any of the King's courts of record, (2) shall have and suffer such correction and punishment, by imprisonment of his body, setting upon the pillory, or otherwise by any corporal pain (except pains of death) as shall be unto him or them limited, adjudged or appointed by the person or persons before whom he shall be so convicted of the said offences, or of any of them.

The justices authority touching the said offenders.

III. And be it further enacted by the authority aforesaid, That as well the justices of assise for the time being, as also two justices of peace in every county, whereof the one to be of the *quorum*, shall have full power and authority to call and convent, by process or otherwise, to the said assises or general sessions, any person or persons being suspected of any of the offences aforesaid, and to commit him or them to ward, or to let him or them to bail, till the next assises or general sessions, there to be examined, and further to be ordered by their discretions, as is abovesaid.

The authority of justices of peace in cities, &c.

IV. Provided always, and be it further enacted by authority aforesaid, That justices of the peace within every city, borough, town and franchise within this realm, or other the King's dominions, shall have like jurisdiction, power and authority, at their general sessions and otherwise, to do and execute all and every thing and things in all points, as other justices of the assises in their circuits, or justices of the peace in the counties, by virtue of this act, be limited and appointed to do and execute, for the punishment and correction of like offenders, as by this foresaid act is specified and declared: (2) saving to the party grieved by such deceit, such remedy by way of action or otherwise, of and for the same money, goods, chattels, jewels or other things so obtained, as he might have had if this act had never been had ne made; any thing in the same contained to the contrary in any wise notwithstanding.

The remedy of the party grieved.

The King's council of Calais.

V. Provided always, and be it further enacted by the authority aforesaid, That the King's highness council of his town of *Calais*, or three of them for the time being, shall have such and like authority for the examination, bailment and punishment of such offender or offenders, and for such offences hereafter to be committed and done within the town and marches of *Calais*, and county of *Guienne*, as the aforesaid justices of assise or justices of peace have by force of this act within their jurisdictions and authorities.

## CAP. II.

Whosoever shall buy any fresh fish (except sturgeon, porpoe and seal) of any stranger in the parts of *Flanders*, *Zealand*, *Picardy* or *France*, or upon the sea between shore and shore, or in any place beyond the sea, to put to sale to any person within this realm, shall forfeit for every time ten pounds: but this shall not extend to any persons which shall buy fish in any part of *Iseland*, *Scotland*, *Orkney*, *Sherland*, *Ireland* or *Newland*.

23 El. c. 7.  
27 El. c. 15.  
39 El. c. 20.

## CAP. III.

*The bill for folding of cloths in North Wales.*

**W**HERE a certain kind and sort of Welsh cloths, called Whites, Ruffets and Kennets, made and wrought in North Wales and Orcester hundred, adjoining to North Wales, of long time have been and be so craftily and hard rolled together, that the buyer thereof cannot perceive nor discern the untrue making and breadth thereof, to the great hurt, deceit and impoverishing of the King's true and loving subjects: (2) for remedy whereof, be it enacted, ordained and established by the King our sovereign lord, his lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all and every the said cloths, from and after the feast of the Nativity of St. John Baptist next coming, that shall be brought to any common markets or fairs to be uttered and sold, shall be folded either in plaits or cuttles, as the cloths of all other countries of this realm commonly have been used and be used, to the intent that the buyers thereof may plainly see and perceive the breadth and goodness of such cloth and cloths as he shall buy; (3) and that every piece of the said cloths, which after the said feast shall be brought to any market or fair to be uttered and sold contrary to the form aforesaid, shall be forfeited; that is to say, the moiety or one half thereof to the use of our said sovereign lord the King, and the other moiety thereof to any of the King's subjects which will sue for the same in any of the King's courts of record, by action of debt, bill, plaint, information or otherwise, wherein the defendant shall not be admitted to wage his law, nor any protection nor essoin, nor any other dilatory plea admitted or allowed.

Welsh cloths called whites, &c. shall be folded either in plaits or cuttles.

## CAP. IV.

*The pewterers bill.*

**W**HERE at the parliament begun at London the third day of November in the xxi. year of the reign of the King our sovereign lord, and from thence adjourned to Westminster, and there holden, and from that time continued by divers prorogations unto the fifteenth day of January in the xxv. year of his most noble reign, it was ordained and established by the assent of the King's majesty, his lords spiritual and temporal, and the commons, in the said parliament then assembled, and by authority of the same, That no person nor persons from that time then inhabiting, or which after that time should inhabit within this realm, should buy or otherwise take by exchange for other wares, any manner wares made or hereafter to be made out of this realm, of tin, or mixed with tin, as platters, dishes, saucers, pots, basins, ewers, flaggons, goblets, salts, saltcellars, spoons, or any other thing made of tin or pewter as aforesaid, whatsoever it were, upon pain of forfeiture of the same wares, in whose hands soever it might be found or taken, and also lawful money current in this realm to the full value thereof, the one half of the same forfeiture to

15 H. 8. c. 9.  
None shall buy wares made of tin out of the realm.

be to the use of the King's highness, and the other half to be to the use of the finders of the same.

Searchers of  
wares made of  
tin brought  
into this  
realm.

II. And further it was enacted, That it should be lawful to the master and wardens of the pewterers, as well within the city of London, as within every other city, borough or town within this realm, where such wardens were, and where no such wardens were, to the head officer or governor, head officers or governors of the same city, borough or town for the time being, to appoint divers persons most expert in knowledge of the same, to make search and seizure, and to take into their hands and possession all such wares as thereafter should be brought contrary to the true intent and effect of the said act, in whosesoever hands or possessions any such should be found.

No pewterer  
shall take a  
stranger born  
to be his ap-  
prentice, &c.

No stranger  
born shall  
work any  
pewter or tin.

III. And it was also enacted by the authority aforesaid, That no person or persons occupying the said craft or occupation of pewterers within this realm, should set on work or retain in his or their service any person or persons to be his or their apprentice or journeyman, stranger born out of this realm, upon pain to forfeit for every such apprentice and journeyman, x. li. sterling; (2) and that no stranger born out of this realm should occupy, exercise or use, from the feast of Pentecost then next coming, the said craft of pewterers, in work any manner of vessels, or other ware aforesaid, to be made of tin or pewter, within any place or places of this realm, upon pain of forfeiture of x. l. sterling, and also upon pain of forfeiture of the same pewter or tin so wrought, in whose hands soever it should be found or taken.

No pewterer  
shall teach his  
trade in a fo-  
reign realm.

IV. And it was further enacted by the said authority, That no person nor persons being born within this realm, then occupying or exercising the said craft of pewterers, should from thenceforth resort into any strange regions or countries, there to use, teach, or exercise the said craft of pewterers, upon pain to lose the privilege and benefit of an Englishman. (2) And if in case any of the King's subjects, at that time dwelling in any strange country or region, and there occupying the said craft of pewterers, did not repair into this realm within three months next after request and warning to him to be given by writing, sealed with the common seal of the wardens of the said craft within the said city of London, and here in this realm continually from thenceforth dwell and inhabit, that then and from thenceforth he should be reputed and taken as no Englishman, but should stand and be from henceforth out of the King's protection.

V. And it was then further enacted, That where sundry evil disposed persons, which commonly were called hawkers, by authority of the King's letters patents or placards, did not only go about from place to place within this realm, using buying and selling of brass and pewter, and by colour and pretence of the same licences or placards did not only use unlawful and deceivable weights and beams, but also did use to sell both brass and pewter which was not good, nor truly or lawfully mixed or wrought, to the great deceit of the King's true liege people, contrary to the form and effect of a good and laudable act and statute, made in the fourth year of the King's said most noble reign,

Licences and  
placards made  
to hawkers of

(2) that all such licences and placards afore that time had, made or granted to any such person or persons, contrary to the true meaning, form and effect of the said statute, should be from thenceforth, by the autho-

authority of the said parliament, clearly void and of none effect. (3) <sup>pewter shall be void.</sup> And whereas in the said act of parliament concerning the said craft of pewterers and brasiers, made in the said fourth year, for divers causes and considerations in the same act contained, among other things it was expressed, That no person nor persons using the said craft of pewterers or brasiers should from henceforth sell or change any pewter or brass, new or old, at any place or places within this realm, but only in open fairs and markets, or in their own dwelling-houses, unless they were desired by the buyers of such wares, upon pain of forfeiture for every such default x. li. (4) And so then the same forfeiture was to the only use of the King's highness, and the party searching or finding the same was not intituled to have any benefit thereby, it was not known that any person or persons had taken any pains to ensearch or make any enquiry thereof; by reason whereof divers and many evil-disposed persons, then using buying and selling as well of brass as pewter, and not regarding the said good act, nor the said penalty, went daily about from village to village, town to town, and from house to house, to sell such pewter and brass which was not good, and also used deceivable weights and beams, as they did before the making of the said act, to the great hurt and deceit of the King's true liege people and subjects. (5) Wherefore it was enacted by the authority of the said parliament, That as well the moiety of the said forfeiture of x. li. limited in the said statute made in the said fourth year, as also the moiety of all other forfeitures and penalties expressed and specified in the said acts, and every of them, should be to the use of the King's highness, his heirs and successors, and the other moiety of the same forfeitures and penalties, and every of them, to the use of him or them that would seize, find, or present the said forfeitures, or any of them, or that would sue for the same in any competent court or courts within this realm, by action of debt, bill, plaint or information, wherein the defendant should in no wise be admitted to wage his law, or any protection or essoin to any person or persons which should be impeached to have offended contrary to the form and effect of this statute should be allowable, as in the said act more plainly appeareth; (6) which act was appointed to endure only to the end of the next parliament then next following, and which act was after renewed in the parliament holden at Westminster in the twenty-eighth year of the reign of our said sovereign lord, to endure until the end of the next parliament then next following, and which act was also renewed at the parliament holden at Westminster in the thirty-first and thirty second years of our said sovereign lord's reign, to endure until the last day of the next parliament then next ensuing.

VI. Prayen therefore in this present parliament our said sovereign lord's true and obedient subjects, the pewterers of this his said realm, and other the true commons of the same, because the same act is beneficial and necessary for the common wealth of this realm, That it may be enacted by the King our said sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, forasmuch as the same act, and every thing therein contained, is good and beneficial to the common wealth of

Pewter and brass shall be sold only in fairs or markets, or in their own houses.

Who shall have the penalties forfeited by the statute of 4 H. 8. c. 7. and 25 H. 8. c. 9. and by what means they shall be recovered.

28 H. 8. c. 9.

31 H. 8. c. 7.

The statute of 25 H. 8. c. 9. made perpetual.

this realm, that all and every the said acts and statutes, and all and every article, sentence and clause comprised in the same, may from henceforth stand and abide in full strength and effect for evermore from henceforth to endure, according to the purport, tenor and effect of the same act or acts, as though the said articles, sentences and clauses were specially limited, recited, or declared in this present act.

VII. And that no person ne persons from henceforth buy or take by exchange, or otherwise take into or within this realm, to the intent to sell, any such things or wares above rehearsed, made or to be made out of this realm, upon pain of like forfeitures and penalties as are and were expressed in the said several acts; the same penalties and forfeitures to be levied as is afore expressed.

The penalty  
for hindering  
of searching  
or seising  
of pewter, &c.

VIII. And that it may be further enacted by authority aforesaid, That if any person or persons do unlawfully withstand, interrupt, disturb, or let the master and wardens, or their deputy, of the said craft of pewterers, for the time being, or the head officer or governor, head officers or governors of cities, towns or boroughs within this realm, wherein no such master and wardens are or shall be, or any of them, in searching, seising and taking into their hands and possessions such wares as shall happen to be bought, or brought into this realm, contrary to the purport and effect of the said statute, made in the said twenty-fifth year of the reign of our said sovereign lord, that then every such person and persons so offending, in letting, disturbing or withstanding the said seisure or taking of such wares as is aforesaid, shall lose and forfeit for every time so doing, the sum of v. l. sterling, the one half whereof should be to the King's use, and the other half to him or them that will or shall sue for the same, by action of debt, writ, bill, plaint or information in any of the King's courts of record; in which action or suit no protection, privilege, nor wager of law shall be allowed nor admitted.

#### CAP. V.

4 & 5 Ph. & M. How many stoned trotting horses for the saddle every man shall  
c. 2. keep for his degree.  
REP. 21. Jac. 1.  
c. 28.

#### CAP. VI.

*The bill for cross-bows and hand-guns.*

Who may  
shoot in gun  
or cross-bow,  
and who not.  
25 H. 8. c. 17.

Inconvenien-  
cies ensuing  
the use of  
cross-bows  
and hand-  
guns.

**W**HERE in the parliament holden at Westminster the fifteenth day of January in the twenty-fifth year of the King's most gracious reign, and there continued and kept until the thirtieth day of March then next ensuing, among divers and sundry wholesome and laudable acts, statutes and ordinances, one statute and ordinance was made and ordained for the avoiding and eschewing of shooting in cross-bows, and hand-guns; (2) since the making of which act divers malicious and evil disposed persons, not only presuming wilfully and obstinately the violation and breach of the said act, but also of their malicious and evil disposed minds and purposes, have wilfully and shame-

*shamefully committed, perpetrated, and done divers detestable and shameful murders, robberies, felonies, riots and routs, with cross-bows, little short hand-guns, and little hagbuts, to the great peril and continual fear and danger of the King's most loving subjects; and also divers keepers of forests, chases and parks, as well of our said sovereign lord, as other his nobles and commons, (3) and divers gentlemen, yeomen and servingmen, now of late have laid apart the good and laudable exercise of the long-bow, which always heretofore hath been the surety, safeguard and continual defense of this realm of England, and an inestimable dread and terror to the enemies of the same; (4) and now of late the said evil disposed persons have used, and yet do daily use, to ride and go in the King's highways and elsewhere, having with them cross-bows, and little hand-guns, ready furnished with quarrels, gunpowder, fire and touch, to the great peril and fear of the King's most loving subjects: (5) For reformation whereof, be it enacted, ordained and established by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, in manner and form following, that is to say, That no person or persons, of what estate or degree he or they be, except he or they in their own right, or in the right of his or their wives, to his or their own uses, or any other to the use of any such person or persons, have lands, tenements, fees, annuities or offices, to the yearly value of one hundred pounds, from or after the last day of *June* next coming, shall shoot in any cross-bow, hand-gun, hagbut or demi-hake, or use to keep in his or their houses or elsewhere, any cross-bow, hand-gun, hagbut or demi-hake, otherwise or in any other manner than is hereafter in this present act declared, upon pain to forfeit for every time that he or they so offend contrary to this act, x. li.*

Altered by 2  
& 3 Ed. 6.  
C. 14.  
3 Mod. 289.

Co. 71.  
Cro. El. 817.

II. And further be it enacted by the authority aforesaid, That no person or persons, of what estate or degree soever he or they be, from and after the said last day of *June* shall shoot in, carry, keep, use or have in his house or elsewhere, any hand-gun, other than such as shall be in the stock and gun of the length of one whole yard, or any hagbut or demi-hake, other than such as shall be in the stock and gun of the length of three quarters of one yard, upon pain to forfeit for every time that he or they shall carry, use, or have any such gun, being not of the length of one whole yard, or hagbut, or demi-hake, being not of the length of three quarters of a yard, x. li. sterling; (2) and that it shall be lawful to every person and persons which have lands, tenements, fees, annuities or offices, to the yearly value of C. li. as is aforesaid, to seise and take every such cross-bow, and also every hand-gun being in stock and gun shorter in length than one whole yard, and every hagbut and demi-hake being shorter in length than three quarters of a yard, or any of them, from the keeping or possession of every such offender contrary to the form of this act; and the same cross-bow or cross-bows to keep and retain to his or their own use; (3) and also the same hand-guns, hagbuts and demi-hakes so seised and taken, within

Of what length a hand-gun, hagbut and demi-hake shall be.

He that hath 100 l. a year may take a cross-bow or gun from another.

twenty days next after the said seizure or taking, to break and destroy, upon pain of xl. s. for every gun so seized, and not broken and destroyed, and the same so broken and destroyed to keep and retain to his or their own use.

No person shall carry a gun charged.

III. And be it further enacted by the authority aforesaid, That no person or persons, other than such as have lands, tenements, rents, fees, annuities or offices, to the yearly value of C. li. as is aforesaid, from or after the said last day of *June*, shall carry, or have in his or their journey, going or riding in the King's highways or elsewhere, any cross-bow bent, or gun charged or furnished with powder, fire or touch for the same, except it be in time and service of war, upon pain to forfeit for every such offence x. l. this present act, or any thing therein contained to the contrary notwithstanding.

Shooting in a market-town with a gun.

IV. And be it further enacted by the authority aforesaid, That no person or persons, from the said last day of *June* shall in any wise shoot in or with any hand-gun, demi-hake or hagbut, at any thing at large within any city, borough or market-town, nor within one quarter of a mile of any city, borough or market-town, except it be at a butt or bank of earth, in place convenient, or for the defence of his person or house, upon pain to forfeit for every such shoot x. li. this present act, or any thing therein contained to the contrary notwithstanding.

No man shall command his servant to shoot.

V. And be it further enacted by the authority aforesaid, That no person or persons, of what estate or degree soever he or they be, shall from or after the said last day of *June*, command any of his or their servants to shoot in any cross-bow, hand-gun, hagbut or demi-hake, of his or their said masters, or of any other persons, at any deer, fowl or other thing, except it be only at a butt or bank of earth, or in the time of war as is aforesaid, upon pain to forfeit for every such offence x. li. the one moiety of all which forfeitures and penalties in this present act above specified, shall be to the King our sovereign lord, his heirs and successors, and the other moiety thereof to the party that will sue for the same, by bill, plaint, action of debt or information, in any of the King's courts of record, in which suit no essoin, protection, nor wager of law shall be allowed.

Shooting at butt or bank of earth.

VI. Provided always, and be it enacted by the authority aforesaid, That it shall be lawful from henceforth to all gentlemen, yeomen, and servingmen of every lord or lords spiritual and temporal, and of all knights, esquires and gentlemen, and to all the inhabitants of cities, boroughs and market-towns of this realm of *England*, to shoot with any hand-gun, demi-hake or hagbut, at any butt or bank of earth only in place convenient for the same, so that every such hand-gun, demi-hake and hagbut, be of the several lengths aforesaid, and not under; (2) and that it shall be lawful to every of the said lord and lords, knights, esquires and gentlemen, and the inhabitants of every city, borough and market-town, to have and keep in every of their houses any such hand-gun or hand-guns of the length of one whole yard, or any hagbut or demi-hake of the length of three quar-

These may keep in their houses guns of a lawful length.

ters of a yard, as is aforesaid, and not under, to the intent to use and shoot in the same at a butt or bank of earth only, as is above said, whereby they and every of them, by the exercise thereof in form above said, may the better aid and assist to the defence of this realm, when need shall require; this present act or any thing therein contained to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, That it shall be lawful to every person and persons which dwelleth and inhabiteth in any house standing and being set distant two furlongs from any city, borough or town, to keep and have in his said house, for the only defence of the same, hand-guns, hags-butts and demi-hakes, being of the several lengths aforesaid, and not under, and to use and exercise to shoot in the same at any butt or bank of earth near to his house, and not otherwise; any thing contained in this act to the contrary notwithstanding.

He that dwelleth in a house standing two furlongs from a town.

VIII. And furthermore, the King's most loving subjects, the lords spiritual and temporal, and the commons, in this present parliament assembled, most humbly do beseech the King's majesty, that it be further enacted by the authority aforesaid, That all letters patents, fraternities, and also all other placards, licences and bills assigned, heretofore had, made or signed by his Highness, or by any other authorized by his Majesty's letters-patents under his great seal to give licence and placard to shoot in cross-bows and hand-guns, or any of them, shall be from and after the said last day of June frustrate, void and of none effect.

Placards of licence to shoot in cross-bows, &c. void.

IX. And also that it may be further enacted by authority aforesaid, That the said statute made in the said twenty-fifth year of the King's most gracious reign, and all other statutes heretofore made and provided for the avoiding and restraint of shooting in cross-bows and hand-guns, or for any of them, or for the using and keeping of the same, be from henceforth utterly void and of none effect.

All statutes for shooting in cross-bows and guns repealed.

X. Provided always, That every process, suit or information, conceived, commenced and now depending, for any offence done contrary to the form of the said statute made in the said twenty-fifth year of the King's most noble reign, or of any other statute made or provided for and concerning the shooting in cross-bows and hand-guns, not repealed, and for the keeping of the same, shall be as good and effectual to the parties that have commenced the same, and shall stand and be in such form, effect, degree and condition, as if this act had never been made.

XI. Provided also, That this act, or any thing therein contained, be not in any wise hurtful or prejudicial to any person or persons, now being, or that hereafter shall be, appointed by the King's highness to keep, receive or take any cross-bows or hand-guns that shall be forfeited or taken within the precinct or liberty of the King's forests, parks or chases; but that he or they may lawfully keep and retain the same cross-bows or hand-guns,

Receiver of cross-bows forfeit to the King.

guns, from time to time, until such time as the further pleasure of the King's highness in that behalf be to every such person shewed and declared.

Cross bow and  
hand-gun ma-  
kers.

XII. Provided also, That this act extend not to the makers of cross-bows or hand-guns, but that they may lawfully keep cross-bows and hand-guns, hagbuts and demi-hakes in their houses, and shoot in the same, only for proving and assaying of them at a butt or bank of earth, in the place convenient, and not otherwise; so that the said hand-guns, hagbuts and demi-hakes be of the several lengths in stock and gun as is above limited.

Merchants  
having to sell  
cross-bows,  
&c.

XIII. Provided also, That this act, nor any thing therein contained, extend not, or be prejudicial to any merchants which have or shall have any cross-bows, hand-guns, hagbuts and demi-hakes, or any of them, to sell within this realm, and to none other use; so that the same hand-guns, hagbuts and demi-hakes be of the several lengths in gun and stock as is above limited, and not under.

Proclamation  
made in the  
county.

XIV. Provided also, That no manner of person run in any danger, or take hurt, by reason of any penalty or forfeiture contained in this act, until such time as proclamation be made of the same act within the county where the party that shall or may offend contrary to this act dwelleth by the space of twenty days next after the making of the said proclamation.

One bringing  
a cross-bow,  
&c. into ano-  
ther's house.

XV. Provided also, That if any manner of person bring, or cause to be brought, with him into his lodging, or in or to any other man's house, any cross-bow or hand-gun, that then the penalty and forfeiture, if any such be, or hereafter shall be, forfeited by reason of this act to run and be only upon the bringer of the said cross-bow and hand-gun, and not to the owner of the same lodging or house, if the said owner of the said lodging or house cause the said bringer thereof to take and to carry away the said cross-bow or hand-gun again with him at his departing; any thing in this act made to the contrary notwithstanding.

Any one may  
bring the of-  
fender to a ju-  
stice of peace.

XVI. And be it also enacted by the authority of this present parliament, That if any person or persons, from or after the last day of *June* next coming, see or find any person or persons offending, or doing contrary to the form and effect of this act, that then it shall be lawful to every such person or persons, perceiving, finding or seeing any such person or persons so offending contrary to the form of this act, to arrest and attach every such offender or offenders, and to bring or convey the same to the next justice of the peace of the same county where the said offender or offenders shall be found so offending; (2) and that the same justice of peace, upon a due examination and proof thereof before him had or made, by his discretion, shall have full power and authority to send or commit the same offender or offenders to the next gaol, there to remain till such time as the said penalty or forfeiture shall be truly contented and paid by the said offender; (3) the one moiety of the same penalty to be

be paid to the King's highness, and the other moiety thereof to the first bringer or conveyer of the said offender to the same justice of peace.

XVII. And be it further enacted by the authority aforesaid, That if any person or persons do at any time hereafter obtain, get or purchase of the King's majesty, his heirs or successors, any placard, licence or bill assigned, to shoot in any cross-bow, hand-gun, hagbut, or demi-hake, contrary to the tenor, purport and effect of this present act, that then there shall be contained in every such placard, licence and bill assigned, at what beasts, fowls or other things the said person or persons so obtaining any such placard, licence or bill assigned, shall shoot with any cross-bow, hand-gun, hagbut or demi-hake; or else that every such placard, licence and bill assigned, hereafter to be obtained, gotten or purchased, shall be clearly void, frustrate and of none effect.

In every placard granted to shoot in a cross-bow, &c. there shall be contained at what beasts or fowls he shall shoot.

XVIII. And also, That every such person or persons so obtaining any such placard, licence or bill assigned, before they shoot in any such cross-bow, hand-gun, hagbut or demi-hake, in any such manner or form as shall be mentioned in any such placard, licence or bill assigned, shall be bounden in the King's court of chancery by recognizance, in the sum of xx. li. to the King's use, with and upon condition that he so obtaining or having the said licence, placard or bill assigned, shall not shoot in any cross-bow, hand-gun, hagbut or demi-hake, at any other beasts or fowls than in any such placard, licence or bill assigned shall be contained and specified, and else all such placards, licences and bills assigned, so hereafter to be made to any person or persons, not being so bounden by recognizance in the court of chancery, as is aforesaid, to be utterly void and of none effect.

XIX. And be it further enacted by the authority aforesaid, That it shall be lawful to all justices of the peace in their sessions, and to all stewards and bailiffs in their several leets and lawdays, to enquire, hear and determine every such offence, after the said last day of June to be committed and done contrary to the tenor of this present act; (2) so that always no less fine than x. li. be assessed upon every such presentment and conviction made according to the due course of the law; (3) the same fine so by the same justices of peace, upon every such presentment and conviction made before them in their sessions, to be paid and levied only to the King's use; (4) and the one moiety of every fine to be assessed by the stewards or bailiffs of any leet or lawday upon every presentment and conviction before them to be made, to be paid and levied to the use of the King our sovereign lord, and the other moiety, the one half to the owner of the said leet or lawday, by distress or action of debt, and the other half of the same second moiety of the same fine to be to the party that will pursue for the same in any of the King's courts, by bill, plaint, information or action of debt, in the

Who may enquire of and punish offenders.

Who shall have the forfeitures, and by what means they shall receive them.

which

which none effoin, protection nor wager of law shall be allowed.

Wilful concealment of the jury shall be enquired of by another jury.

Hob. 68.

XX. And be it further enacted, That if any jury, being charged and sworn to enquire for the King our sovereign lord before any justices of the peace, or stewards of leets or lawdays, of any offences committed or done contrary to this present act, do wilfully conceal any of the same offences; that then the said justices, stewards or bailiffs, before whom any concealment shall be had and done, shall have authority by virtue of this present act, from time to time, to charge and swear another jury of twelve or more good and substantial honest persons, to enquire of every such concealment: (2) and if any such concealment be found, and presented by the said jury so charged to enquire of the same, that then every one of the said first jury that did so conceal the same, shall lose and forfeit for every such concealment of every such offence xx.s. (3) all which forfeitures and penalties of xx.s. for every such concealment of every such offence so found and presented before the said justices of peace shall wholly be levied and paid to the King's use.

XXI. And the moiety of all the same forfeitures and penalties of xx.s. so found and presented before the stewards or bailiffs of any leet or lawday, shall be levied and paid to the use of the owner of the said leet or lawday, by distress or action of debt; and the other moiety thereof to be to the party or parties that will sue for the same, by action, information, bill or plaint in any of the King's courts; in the which actions, informations, bills or plaints, no wager of law, effoin nor protection shall be allowed.

Within what time a suit shall be commenced against an offender by the King or any other.

XXII. Provided alway, and be it further enacted by the authority aforesaid, That if any person or persons hereafter in any part do offend, or do contrary to the purview and remedy of this act, whereupon cause of action for the same offence shall be given to the King, his heirs or successors, or to any other person or persons that will sue, by virtue of this act, for the punishment of the said offence or forfeitures; that if the King our sovereign lord, his heirs or successors, within one year next and immediately after such offences and forfeitures had and made, do not pursue their action or actions so given by this act, or cause examination upon such defaults and offences to be had and made before their council, or other presentments thereof to be had, according to the meaning of the same act; (2) and every other person which hereafter by virtue of this act may have action or actions, suit or information upon this statute, within half a year next and immediately after such offences or forfeits had and made, do not commence their suits, informations, actions or presentments of and upon the said forfeits, by action or otherwise, as in this present act is limited and declared; (3) that then as well the King our sovereign lord, his heirs and successors, after one year next after such offences and forfeits had and made, if no suit in his or their name be taken by action or otherwise, as is before expressed, before the same year ended and

and determined, (4) as every other person after half a year next after like offences and forfeits had and done in the form aforesaid, (5) if no suit thereupon be taken by none of them in form above declared, be utterly excluded and debarred of their said suits, actions, informations and examinations to them given by virtue of the said act; and the parties, and every of them so offending, shall be of all such offences and forfeits clearly discharged and quit; any thing in this act comprised to the contrary notwithstanding.

XXIII. Provided always, and be it enacted by the authority aforesaid, That this present act, ne any thing therein contained, shall in any wise extend or be prejudicial unto the King's subjects resident or inhabiting near unto the coasts of the sea, in any part of this realm, their houses being not above five miles distant from the said coasts; (2) nor also to any of the King's said subjects inhabiting within twelve miles of the borders of *Scotland*; (3) nor to any of the King's subjects inhabitants of the town and marches of *Calais*; (4) nor to any of the inhabitants of the isles of *Jersey*, *Guernsey*, *Anglesey*, and the isles of *Wight* and *Man*; (5) but that it shall be lawful for every of the said inhabitants at all times hereafter to have, exercise and use their hand-guns, hagbuts and demi-hakes, of the lengths above said, within the limits and isles abovesaid, so that it be at no manner of deer, heron, shoveld, pheasant, partridge, wild swine or wild elk, or any of them; this present act or any thing therein contained to the contrary notwithstanding.

Dwellers within twelve miles of Scotland. In part repealed by 4 Jac. 1. c. 1. f. 2.

The inhabitants of certain places privileged.

XXIV. Provided also, That this act, ne any thing therein contained be in any wise hurtful or prejudicial to any servant or person that hereafter, from the said last day of *June*, shall bend, bear, carry, charge, use or assay any cross-bow, or any hand-gun, demi-hake or hagbut, of the lengths abovesaid, by the commandment of his lord or master, so that the said servant or person do not shoot at any fowl, deer or other game, of what kind or nature soever they be of; (2) nor also to any such servant, person or persons that shall after the said last day of *June* bear or convey any cross-bow, hand-gun, hagbut or demi-hake, of the lengths abovesaid, to any place or places, by the commandment of his lord or master, that may shoot by authority of this act, to be amended, repaired, delivered or assayed, so that the said servant or other person so bringing or conveying the said cross-bow, hand-gun, hagbut or demi-hake, have ready to shew to every person requiring the sight thereof, one licence in writing, sealed or subscribed by his said lord or master, to carry and convey the same cross-bow, hand-gun, hagbut or demi-hake, to the intent to be amended, repaired, assayed or delivered, as is aforesaid.

A servant charging a gun by the command of his master.

A servant having licence in writing may carry his master's gun.

XXV. Provided always, That this act, or any thing therein contained, shall not extend to any owner of any ship, for having or keeping of any hand-gun, hagbut or demi-hake, of the several lengths in this act expressed, or under, only to be had and occupied within any their ship or other vessel, or for the carriage

The owner of a ship may keep a gun.

carriage and recarriage of them or any of them on land, or keeping of them for the only exercise and occupying of them within their said ship or vessel; any thing in this act to the contrary in any wise notwithstanding.

## C A P. VII.

*The bill for conveyance of brass, latten and bell-metal over the sea.*

21 H. 8. c. 10.  
No man may  
convey any  
brass, &c. out  
of the King's  
dominions.

**W**HERE in the parliament holden at Westminster the third day of November in the twenty-first year of the reign of our sovereign lord the King that now is, amongst other things it was enacted, That no person or persons should from thenceforth carry or convey any brass, copper, latten, bell-metal, gun-metal, ne shroff-metal, into any part or parts beyond the sea, upon pain of forfeiture of the said metal, as by the said act more plainly appeareth; (2) sith the making of which estatute divers persons, as well Englishmen as strangers, have deceitfully obtained licences of the King's highness to carry over bell-metal, and other broken metal, surmising the same metals not to be meet for making of guns, and other engines of war, nor for implements necessary for household, which surmise is proved untrue, as the common experience thereof daily declareth; so that all other realms and countries be full of artillery and munitions, and this realm is like to lack, if more hasty remedy to stop the conveyance of the same be not further provided than is in the same act:

Altered as to  
the penalty by  
a & 3 Ed. 6.  
c. 37. f. 2.  
See 5 & 6 W.  
& M. c. 17.

II. Wherefore may it please the King's highness, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to enact, That no person or persons from henceforth shall carry or convey by water or otherwise any brass, copper, latten, bell-metal, pan-metal, gun-metal, ne shroff-metal, whether it be clean or mixed (tin and lead only excepted) in any part beyond the sea, or into any outward realm or dominion whatsoever it be, upon pain to forfeit the double value of the same metal so carried and conveyed, the one half thereof to be to the King our sovereign lord, and the other to the party that will sue for the same by writ, bill, plaint or information, in the which no essoin or protection shall be allowed.

Trial within  
this realm of  
a foreign act.

III. And further be it enacted by the authority aforesaid, for the true meaning of this estatute, That the arrival, discharge and delivery of the said metals in any parts beyond the sea, or in any other foreign realm or dominion, shall be tried and determined within this realm, in such county or place where the said metal or metals were shipped, or first carried, with like process and determination as all other informations or actions be tried and adjudged within this realm, or as if the same fact had been done within this realm and dominion.

He that carri-  
eth brass, &c.  
in any ship  
shall be bound  
to discharge  
the same with-  
in this realm.

IV. And be it further enacted by the authority aforesaid, That no person or persons at any time hereafter shall ship or carry any of the said metals afore rehearsed, to carry or discharge the same in any part of this realm, unless such person or persons before the shipping thereof do declare and manifest unto the customer of

of fuch port or creek where the fame metal fhall be fhipped, the true weight of all fuch metal as fhall be fhipped, (2) and alfo fhall make a fufficient obligation in the law, in the which he fhall be bounden to the faid customer to the King's ufe, in fuch fum as fhall amount to the double value of the fame metal fo declared and manifested, with condition that the fame fhall be difcharged at fome port or creek within this realm, and in no other place, upon pain to forfeit the fame in manner and form above rehearfed; (3) and that every fuch perfon or perfons that fhall fhipe fuch metal, and be and fhall be bounden as is aforefaid, fhall within eight months next after the fhipping thereof bring a true certificate from the customer of the port, creek, or place where he or they fhall happen to difcharge the fame metal, testifying that the fame metal fo fhipped, and the true weight thereof, is there difcharged; (4) which certificate the customer of fuch place, where the faid metal fhall be difcharged, fhall upon the difcharge thereof, make and deliver to the party fo difcharging, or to his factor, without any delay.

V. And be it further enacted, That if any customer or his deputy, by covin, or by any other undue mean, do make any falfe or untrue certificate concerning the faid difcharging of fuch metal, contrary to the true meaning of this act, that then fuch customer fo falfly or untruly certifying as is aforefaid, fhall lofe his office, and alfo the value of the goods fo concealed out of the faid certificate.

The penalty of a customer making a falfe certificate.

VI. Provided alway, That if the faid metal, by tempeft of weather be drowned, or by enemies or pirates robbed and fpoiled, and that fufficiently proved without fraud or covin, before the customer and comptroller, or their fufficient deputies, in the port where the party or parties fo fhipped the metals aforefaid, or any of them, by the faid party or parties, or their executors, that then he or they fo bringing fuch fufficient proof, fhall have his obligation to him delivered, or elfe he and his executors thereof to be acquitted and clearly difcharged; any thing in this act to the contrary contained notwithstanding.

A remedy if the metal be drowned or robbed.

VII. Provided alway, and be it enacted by the authority aforefaid, That this act fhall only take his effect and be put in execution, from and after the firft day of *April* next coming.

#### CAP. VIII.

It fhall be felony to praétife, or caufe to be praétifed conjuration, REP. 1 Ed. 6. witchcraft, enchantment or foreery, to get money: or to consume any perfon in his body, members or goods; or to provoke any perfon to unlawful love; or for the defpight of Chrift, or lucre of money, to pull down any crofs; or to declare where goods ftolen be.

c. 12. & 1 M. ft. 1. c. 1. 5. El. c. 16. 1 Jac. 1. c. 12. 9 G. 2. 5.

#### CAP. IX.

*The bill for the maintaining artillery, and the debarring of unlawful games.*

**M**OST humbly complaining, *fhew unto your Highnefs your daily orators, the bowyers, fletchers, stringers and arrowhead-makers of this your realm, that where for the advancement and maintenance*

6 H. 8. c. 2. 12 Co. 99. Artillery fhall be maintained and unlawful games debarréd.

Several new  
devised games  
the cause of  
the decay of  
archery.

tenance of archery, the better to be maintained and had within the same, and for the avoiding of divers and many unlawful games and plays, occupied and practised within this realm, to the great hurt and lett of shooting and archery, divers good and lawful statutes have been devised, enacted and made, amongst which one was made in a parliament holden at Westminster in the third year of your most gracious reign, and the same act made perpetual in the parliament there holden in the sixth year of your said reign; (2) the which good and laudable act notwithstanding, divers and many subtil inventative and crafty persons, intending to defraud the same estatute, sithens the making thereof, have found, and daily, find many and sundry new and crafty games and plays, as logetting in the fields, slide-thrift, otherwise called shove-grout, as well within the city of London, as elsewhere, in many other and divers parts of this realm, keeping houses, plays and alleys for the maintenance thereof; by reason whereof archery is sore decayed, and daily is like to be more and more minished, and divers bowyers and fletchers, for lack of work, gone and inhabit themselves in Scotland, and other places out of this realm, there working and teaching their science, to the puissance of the same, to the great comfort of the estrangers, and detriment of this realm.

II. And where also your Grace's subjects, bowyers, fletchers and other artificers aforesnamed, from time to time resort, repair and come out of all places of this your realm unto the city of London for lack of living, and do inhabit nigh the same city, or in the suburbs of the same city, and in the streets and lanes of the same city, being no freemen of the same city, nor bearing neither scot, lot, nor other charges within your said city, as other citizens and freemen of the same city do, and are bound to do, and by their oaths are sworn to do, and which citizens and freemen of your said city, of the mysteries and crafts before rehearsed, which have been brought up as apprentices from their youth, dwelling within the freedom of your said city of London, are always in readines to furnish your Grace's affairs, when they shall be commanded; (2) by reason of the which resort and abode of such foreigners and strangers of the mysteries and crafts before rehearsed, in the suburbs, streets and lanes of the same city, other cities, towns, villages and places within this realm remain and be unfurnished of artificers and craftsmen before rehearsed, to the great decay of the archery of this realm; (3) and forasmuch as it appeareth by the preamble of the said statute enacted the said third year, which was established and made perpetual in the foresaid sixth year of your most gracious reign, that your Highness calling to your most noble and gracious remembrance, that by the feat and exercise of the subjects of this your realm in shooting in long bows, there hath continually grown and been within the same great number and multitude of good archers, which hath not only defended this realm, and the subjects thereof, against the cruel malice and danger of their outward enemies in time heretofore past, but also with little number and puissance in regard have done many notable acts and discomfitures of war against the infidels, and other, and furthermore subdued and reduced divers and many regions and countries to their due obeisance, to the great honour, fame and surety of this realm and subjects, and to the terrible dread and fear of all strange nations, any thing to attempt or do to the hurt or damage of them,

or

or any of them; (4) yet nevertheless archery, and shooting in long-bows was little used, but daily did minish, decay and abate more and more, for that much part of the commonalty and poor people of this realm, whereby of old time the great number and substance of archers hath grown and multiplied, were not of power and ability to buy them long-bows of yew, to exercise shooting in the same, and sustain the continual charge thereof, (5) and also by means and occasions of customable usage of tennis-play, bowls, cloysh and other unlawful games, prohibited by many good and beneficial statutes by authority of parliament in that behalf provided and made, great impoverishment hath ensued, and many heinous murders, robberies and felonies were committed and done, and also the divine service of God by such misdoers on holy and festival days, not heard or solemnised, to the high displeasure of Almighty God, as by the foresaid preamble more plainly may appear.

The causes of the decay of archery.

III. It may therefore be enacted by your Highness, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That every man being the King's subject, not lame, decrepit nor maimed, nor having any other lawful or reasonable cause or impediment, being within the age of sixty years (except spiritual men justices of one bench and of the other, justices of the assise and barons of the exchequer) shall from the feast of *Pentecost* next coming, use and exercise shooting in long-bows, and also have a bow and arrows ready continually in his house, to use himself, and do use himself in shooting; (2) and also the fathers, governors and rulers of such as be of tender age, do teach and bring them up in the knowledge of the same shooting; (3) and that every man having a man-child or men-children in his house, shall provide, ordain and have in his house for every man-child being of the age of seven years and above, till he shall come to the age of seventeen years, a bow and two shafts to induce and learn them; and bring them up in shooting, and shall deliver all the same bow and arrows to the same young men to use and occupy; (4) and if the same young men be servants, that then their masters shall abate the money that they shall pay for the same bows and arrows out of their wages; (5) and after all such young men shall come to the age of seventeen years, every of them shall provide and have a bow and four arrows continually for himself, at his proper costs and charges, or else of the gift or provision of his friends, and use and occupy the same in shooting as is before rehearsed; (6) and if the master suffer any of his servants taking wages, being in household, and under the age of seventeen years; or the father suffer any of his sons being in his household, and under the age of seventeen years, to lack a bow and two arrows, contrary to the form of this estatute, by the space of one month together; then the master or father in whom such negligences shall be, shall for every such default forfeit vi. s. viii. d. (7) and that every servant, passing the age of seventeen years, and under the age of sixty years, and taking wages, which can or is able to shoot, and shall lack a bow and four arrows by the space of one month together, for every such default shall forfeit and lose vi. s. viii. d.

Men under the age of sixty years shall have bows and arrows for shooting.

Men-children between seven years and seventeen. Men about seventeen years of age.

Who shall  
shoot at rovers.

Shooting in  
yew-bows.

The inhabit-  
ants of every  
town shall cut  
butts, and  
shoot at them.

Bows of elm,  
ash, &c. re-  
pealed by  
3 Eliz. c. 10.  
s. 6.

The several  
prices of the  
several sorts of  
bows.  
Repealed by  
3 El. c. 10. s. 6.

IV. Be it further enacted by the authority aforesaid, That no man under the age of twenty four years shall shoot at any standing prick, except it be at a rover, whereat he shall change at every shoot his mark, upon pain for every shoot doing the contrary, iv. d. (2) and that no person above the said age of twenty four years shall shoot at any mark of eleven score yards or under, with any prick-shaft or flight, under the pain to forfeit for every shoot, six shillings eight pence; (3) and that no person under the age of seventeen years, except he or his father or mother have lands or tenements to the yearly value of ten pounds, or be worth in moveables the sum forty marks sterling, shall shoot in any bow of yew which shall be bought for him, after the feast of the *Purification* of our Lady next coming, under the pain to lose and forfeit vi. s. viii. d. (4) and also that butts be made on this side the feast of St. *Michael* the archangel next coming, in every city, town and place, by the inhabitants of every such city, town and place, according to the law of ancient time used; (5) and that the inhabitants and dwellers in every of them be compelled to make and continue such butts, upon pain to forfeit for every three months so lacking, xx. s. (6) and that the said inhabitants shall exercise themselves with long-bows in shooting at the same, and elsewhere, in holy days and other times convenient.

V. And to the intent that every person may have bows of mean price, be it enacted by authority aforesaid, That every bowyer, dwelling out of the city and suburbs of *London*, shall after the said feast of the *Purification* of our Lady next coming, for every bow that he maketh of yew, make four other bows meet to shoot in of elm, wich, hazel, ash, or other wood apt for the same, under the pain to lose and forfeit for every such bow so lacking iii. s. iv. d. (2) and every bowyer dwelling within the said city or suburbs of *London*, shall after the said feast of the *Purification* of our Lady next coming, for every bow of yew that he shall make, shall also make two other bows apt for shooting of ash, elm, wich, hazel or other wood meet for the same, under like pain and forfeiture.

VI. And be it also enacted by the authority aforesaid, That no bowyer shall sell any bow of yew for any person being between the age of eight years and fourteen, above the price of twelve pence; (2) and that the same bowyers shall have bows of yew of all prices, from six-pence the piece, to twelve-pence the piece, for youth between the said ages of seven years and fourteen years; (3) and likewise have bows of yew for youth between the age of fourteen years and one and twenty years, and shall sell the same at reasonable prices: (4) and moreover that no bowyer shall sell or put to sale to any the King's subjects, any bow of yew of the tax called elk, above the price of three shillings four pence, under the pain to forfeit xx. s. for every bow sold to the contrary, above the said price of three shillings four pence, as appeareth by a statute made in the twenty-second year of the reign of King *Edward* the Fourth, the fourth chapter;

chapter; (5) and that all bow-staves of yew hereafter to be brought into this realm, shall be sold open and not in bundles, nor close to the intent the buyers of them may have perfect knowledge of the goodness of them, and give the better price for them if they be so worth.

VII. And furthermore be it enacted by the authority aforesaid, That fletchers of *London*, and the suburbs of the same, may at their liberty sell seasonable timber to every fletcher of the country, without falling into any penalty or danger to any of their wardens for so doing, and that all ordinances and other laws made or to be made by their wardens, or otherwise, to the contrary, shall be from henceforth clearly frustrate and void.

VIII. And also be it enacted by the authority aforesaid, That the bowyers, fletchers, stringers and arrow-head-makers, repairing and resorting unto the said city or the suburbs of the same, and there making their dwelling or abiding, being not freemen of the said city, bearing neither scot nor lot within the said city, shall at all times by the appointment of your Grace's most honourable council, the lord chancellor of *England* for the time being, lord treasurer or the lord privy seal, or one of them go and inhabit such cities, boroughs and towns as be destitute of such artificers, and there to exercise, occupy and practise their said crafts and faculties for the maintenance of artillery and archery; (2) and if any such person to whom warning shall be so given by the King's most honourable council, the lord chancellor, the lord treasurer, or the lord privy-seal, as is aforesaid, to depart unto other towns or places of the said realm of *England* from the said city of *London*, the suburbs, streets, lanes and places near the same, refuse to accomplish the same, that then he or they so refusing shall forfeit for every day that he shall make his abode contrary to this act, xl. s.

IX. Be it also enacted by the authority aforesaid, That no stranger born out of the King's obeisance, not being denizen, shall convey or do to be conveyed, give, sell or exchange into any parts out of the King's obeisance, any long-bows, arrows or shafts, without the King's special licence, upon pain of forfeiture of the same wheresoever they shall be taken, or the value thereof, within the King's power, (2) and upon pain of imprisonment without bail or mainprize, until such time as he or they so being in ward, have made a reasonable fine to the King for his or their offences, afore the justices of peace, or two of them in their sessions in the same county where he or they shall be committed to ward, or find sufficient surety for the payment of the same fine.

X. And that no manner of person not being born within the King's obeisance, nor made denizen, use within the King's obeisance shooting with long-bows, without the King's licence, upon pain of forfeiture of such bows, arrows and shafts as they shall be founden so shooting with; (2) and every of the King's subjects may have authority to take and seise the same forfeitures to his own use; (3) and that justices of assize, of gaol-delivery,

22 Ed. 4. c. 4.  
3 H. 7. c. 13.  
Sale of seasonable timber by one fletcher to another.

Bowyers and fletchers, &c. of *London*, upon commandment shall dwell elsewhere.

Aliens shall not convey bows or arrows beyond the sea.

Aliens shall not use shooting in long-bows.

Magistrates  
may hear and  
determine  
these offences.

livery, justices of peace, and stewards of franchises, leets, and lawdays, have power to enquire of all the premisses in their sessions, leets and lawdays, and hear and determine the same, and also by their discretion examine all persons lacking, and not having bows, shafts and arrows according to the form aforesaid.

The penalty  
for main-  
tenance of a  
house for un-  
lawful games.

XI. Be it also enacted by the authority aforesaid, That no manner of person or persons, of what degree, quality or condition soever he or they be, from the feast of the nativity of *St. John Baptist* now next coming, by himself, factor, deputy, servant or other person, shall for his or their gain, lucre or living, keep, have, hold, occupy, exercise or maintain, any common house, alley or place of bowling, coytynge, cloysh-cayls, half bowl, tennis, dicing-table or carding, or any other manner of game prohibited by any estatute heretofore made, or any unlawful new game now invented or made, or any other new unlawful game hereafter to be invented, found, had or made, (2) upon pain to forfeit and pay for every day keeping, having or maintaining, or suffering any such game to be had, kept, executed, played or maintained within any such house, garden, alley or other place, contrary to the form and effect of this estatute, forty shillings.

The penalty  
for resorting to  
a house of un-  
lawful games.

XII. And also every person using and haunting any of the said houses and plays, and there playing, to forfeit for every time so doing, six shillings eight pence.

A placard to  
keep a house  
of gaming.  
All such pla-  
cards made  
void by a & 3  
Ph. & M. c. 9.

XIII. And if any person hereafter sue for any placard to have common gaming in his house, contrary to this estatute, that then it shall be contained in the same placard, what game shall be used in the same house, and what persons shall play thereat, and every placard granted to the contrary to be void; (2) and also that the party obtaining any such placard, before he put the same in execution, shall be bound with sufficient sureties with him by recognizances in the chancery, in a certain sum, to be appointed by the discretion of the lord chancellor of *England*, that he shall not use the said placard contrary to the form thereof.

Magistrates  
may repress  
unlawful  
games, and  
punish offend-  
ers.

XIV. Be it further enacted by the authority aforesaid, That it shall be lawful to all and every the justices of peace in every shire, mayors, sheriffs, bailiffs, and other head officers, within every city, town and borough within this realm, from time to time, as well within liberties as without, as need and case shall require, to come, enter, and resort into all and every houses, places and alleys where such games shall be suspected to be holden, exercised, used or occupied, contrary to the form of this estatute; (2) and as well the keepers of the same, as also the persons there haunting, resorting and playing, to take, arrest, and imprison, and them so taken and arrested to keep in prison, unto such time as the keepers and maintainers of the said plays and games have found sureties to the King's use, to be bound by recognizance or otherwise, no longer to use, keep or occupy any such house, play, game, alley or place; (3) and also that the persons there so found, be in like case bound by themselves, or else with sureties, by the discretions of the justices, mayors, sheriffs, bailiffs, or other head officers, no more to play, haunt or exercise

Farther pro-  
visions relating  
hereto.  
2 Geo. a. c.  
28. f. 9.

exercise from thenceforth, in, at, or to any of the said places, or at any of the said games.

XV. Also be it further enacted by the authority aforesaid, That the mayors, sheriffs, bailiffs, constables, and other head officers within every city, borough and town within this realm, where any such officers shall fortune to be, as well within the franchises as without, shall make due search weekly, or at the farthest at all times hereafter once every month, in all places where any such houses, alleys, plays, or places shall be suspected to be had, kept and maintained; (2) and if the said mayors, sheriffs, bailiffs, constables, and other head officers within their cities, boroughs and towns, as well within franchises as without, do not make due search at the farthest once every month, if the case so require, according to the tenor of this act, and do not execute the same in all things according to the purport and force of the same; that then every such mayor, sheriff, bailiff, constable or other head officer, to pay and forfeit for every month not making such search, nor executing the same, xl. s.

XVI. Be it also enacted by the authority aforesaid, That no manner of artificer or craftsman of any handicraft or occupation, husbandman, apprentice, labourer, servant at husbandry, journeyman, or servant of artificer, mariners, fishermen, watermen, or any serving-man; shall from the said feast of the nativity of St. John Baptist, play at the tables, tennis, dice, cards, bowls, claff, coytng, logating, or any other unlawful game, out of *Christmas*, under the pain of xx. s. to be forfeit for every time; (2) and in *Christmas*, to play at any of the said games in their masters houses, or in their masters presence; (3) and also that no manner of persons shall at any time play at any bowl or bowls in open places out of his garden or orchard, upon the pain for every time so offending, to forfeit vi. s. viii. d. (4) and that all justices of peace, mayors, bailiffs, sheriffs, and all other head officers, and every of them, finding or knowing any manner of person or persons using or exercising any unlawful games, contrary to this present statute, shall have full power and authority to commit every such offender to ward, there to remain without bail or mainprize, until such time that they so offending be bounden by obligation to the King's use, in such sums of money as by the discretions of the said justices, mayors, bailiffs, or other head officers, shall be thought reasonable, that they or any of them shall not from henceforth use such unlawful games.

XVII. Be it further enacted by the authority aforesaid, That all other statutes made for the restraint of unlawful games, or for the maintenance of artillery, as touching the penalties or forfeitures of the same, shall be from henceforth utterly void; (1) and that all informations, complaints, actions, or suits that shall be taken or sued upon any part of this statute, shall be commenced within the year after the offence committed and done, or otherwise no advantage or suit thereof to be taken.

XVIII. And where any such forfeiture shall happen to be found Within what time any suit

shall be prosecuted upon statute, and who shall have the forfeitures.

found within the precinct of any franchise, leet or lawday, then the lord of the same franchise, leet or lawday, to have the one moiety thereof, and the other moiety thereof to any of the King's subjects that will sue for the same in any of the King's courts, by action, information, bill or otherwise, in which action or suit the defendant shall not be admitted to wage his law, nor any protection nor esoin shall be allowed; (2) and where such forfeiture should be found out of the precinct of any franchise, leet or lawday, that the moiety of all such forfeitures shall be to the King our sovereign lord, and the other moiety thereof to any the King's subjects that will sue for the same, by bill, plaint, action, information or otherwise, in any of the King's courts, in which suit or action the defendant shall not be admitted to wage his law, nor any protection or esoin shall be allowed.

Proclamation of this statute.

XIX. And to the intent that every person may have knowledge of this act, and avoid the danger and penalties of the same, be it enacted by the authority aforesaid, That all mayors, bailiffs, sheriffs, and all other head officers, shall four times in the year, that is to say, every quarter once, make open proclamation of this present act in every market to be holden within their several jurisdictions and authorities.

XX. And also that the justices of gaol-delivery, assises and justices of peace, do cause the same to be proclaimed in their several circuits and sessions before them holden, and that this statute shall begin to take his effect concerning the penalties of the same, from the said feast of St. *John Baptist* now next coming, and to continue and endure for ever.

Leases of houses where unlawful games be used.

XXI. Provided alway, and be it enacted by the authority aforesaid, That if any person or persons have taken by lease, whether it be by word, writing or otherwise, any house, alley or place, wherein any such unlawful game now is, and at the time of such lease made, was used, that then every such lessee shall, at the liberty of him or them to whom such lease is made, their executors, administrators or assigns, from the said feast of the nativity of St. *John Baptist*, be utterly void, except it be for breach of covenants or agreements, or payment of rent due or to be due at the said feast, or any time before, so that then at the same feast, or within one month next after the same, the said lessee give knowledge to such lessor or lessors, their heirs and assigns, that he will no longer occupy the same, and that then it shall be lawful to the inheritor, lessor or owner thereof, or to his heirs or assigns, in the same house, alley or place, to re-enter.

The servant by licence may play with his master.

XXII. Provided also, and be it enacted by the authority aforesaid, That it shall be lawful for every master to license his or their servants to play at cards, dice or tables with their said master, or with any other gentleman repairing to their said master, openly in his or their house, or in his or their presence, according to his or their discretion; (2) and that it shall be lawful to every such servant, for every time so being commanded

or licensed by his said master, as is aforesaid, to play at cards, dice or tables with his said master, or other gentleman so to him repairing; any thing in this act to the contrary notwithstanding.

XXIII. Provided also, and be it enacted by the authority a- In what cases servants may play at dice, cards, tables, bowls or tennis.  
foresaid, That it shall be lawful to every nobleman and other, having manors, lands, tenements, or other yearly profits, for term of life in his own right, or in his wife's right, to the yearly value of an hundred pounds or above, to command, appoint or license, by his or their discretion, his or their servants, or family of his or their house or houses, for to play within the precinct of his or their houses, gardens or orchards, at cards, dice, tables, bowls or tennis, as well amongst themselves as other repairing to the same house or houses; (2) and that they so playing by commandment, appointment or license, as is aforesaid, shall not incur any danger or penalty contained in this act for the same; this act or any thing therein contained to the contrary thereof in any wise notwithstanding.

XXIV. Provided alway, and be it enacted by the authority aforesaid, That all informations, actions and suits now depending in any of the King's courts for or concerning any penalty or forfeiture contained in any of the said statutes, by this act repealed, and no judgment therein yet given, the same informations, actions and suits, shall be, remain and stand as good and effectual in the law, to all intents, constructions and purposes, as if this act had never been had ne made; any thing in this act contained to the contrary thereof in any wise notwithstanding. Suits depending at this time upon any statute repealed. 3 Geo. 2. c. 28, 32. 8. 2. c. 28, 13. 2. c. 19, 18. 3. 2. c. 24

#### CAP. X.

All justices of peace within every county, city, borough, &c. shall yearly, at the general quarter-sessions holden next after Easter, divide themselves, and limiting two at the least, into hundreds, wapentakes, number of towns, &c. they shall hold one sessions for the limits of their divisions, besides the quarter-sessions, six weeks before the quarter-sessions, wherein they shall enquire of vagabonds, retainers, giving of liveries, badges, maintenance, imbracery, &c. and hear and determine the same according to the statutes for such offences provided. And that they may reform panels returned before them. Rep. 37 H. 8. c. 7. for the six weeks sessions,

#### CAP. XI.

*An act for butchers to sell at their liberty by weight or otherwise.*

**I**N most humble wise shewen unto your Highness, the wardens, masters and fellowship of butchers of your city of London, and all other the butchers within this your realm of England, that where in your parliament holden at Westminster by prerogation the twenty-fourth year of your most noble reign, it was enacted, ordained and established by your Majesty, the lords spiritual and temporal, and the commons, in the said parliament then assembled, and by authority of the same parliament, that every person which should sell by himself, A rehearsal and repeal of the statutes made 24 H. 8, c. 3. and 25 H. 8, c. 1. touching selling of flesh by the pound, at certain prices.

Hutley 103.

47 H. 8. c. 9.

or any others, the carcasses of beeves, pork, mutton or veal, or any part or parcel thereof, after the first day of August then next ensuing, should sell the same by lawful weight called averdupois, and none otherwise; the said flesh to be cut out in reasonable pieces, according to the request of the buyer, in like fashion as afore that time was used, without fraud or covin; and that every person which by himself or any other should sell any flesh of the said carcasses, should have with him, where he should make sale of the said flesh, sufficient beam, scales and weights sealed, called averdupois, for true serving of the buyers. And that after the said first day of August no person nor persons should take, or cause to be taken for any pound weight of flesh of the carcasses of beef or pork, by him or them to be sold, above the price of one half-penny and half-farthing, without deceit or covin, upon pain to forfeit for every pound not sold by weight, or above the said price limited, and for every default done contrary to the true meaning of the said act, 3s. 4d. the one moiety thereof to be to your Highness, and the other moiety to the party that will sue for the same by bill, plaint or information; in which suit no essoin, wager of law nor protection should be allowed. The heads, necks, inwards, portnances, legs nor feet to be accounted as part of the carcasses aforesaid, but such to be sold by a lower price, as by the said act among other things more plainly appeareth: which act was in all things by your said orators, well, duly, justly and truly executed, according to the tenor and purport of the same, until your Grace's parliament holden at Westminster by prorogation the xxvii. year of your most noble reign, at which time it was then and there, for and upon divers good causes and considerations, enacted, ordained and established, That from the xii. day of April in the year of our Lord God 1536. until the xxiv. day of April which should be and was in the year of our Lord God 1540. all butchers and others selling flesh by retail, may lawfully kill and sell all manner beef, pork, mutton and veal, being good and wholesome for man's body, at their pleasures and liberties, as freely and liberally as they or any of them did or might have done at any time before the said estatute made the xxiv. year of your most noble reign, and also before another statute concerning the same, made the xxv. year of your most noble reign, without any losses, pains or imprisonment, forfeiture or penalty to be by them or any of them, or the successors of them or any of them, had, lost, borne or sustained in that behalf during the time before rehearsed, the same estatutes and either of them, and every clause, sentence and article in them or either of them contained, should be in suspect, and not put in execution during the same term; as by the said act made the said xxvii. year of your most noble reign, among other things, more plainly appeareth: which acts before rehearsed concerning the selling of flesh by weight as is aforesaid, if they should hereafter be put in execution, and your said orators compelled to sell flesh by weight, according to the purport, tenor and effect of the said estatute made the xxiv. year of your most noble reign, should be to the utter undoing of your said orators for ever. It may therefore please your Majesty, That it may be by your Highness, and by the assent of the lords spiritual and temporal, and the commons, in this present

present parliament assembled, and by the authority of the same, ordained, established and enacted, That the said statutes made in the xxiv. and xxv. year of your most noble reign, may be repealed, adnichilated, made frustrate and void against your orators and all other your subjects. And that it may from henceforth be lawful unto all your said subjects, to sell their victuals from time to time by themselves, their wives and servants, to all manner of persons that will buy the same, in like manner and form as they might have done before the making of the said statutes or any of them, without any danger, pains, penalty or forfeiture to be had for the same; any thing in the said statutes or any of them contained to the contrary notwithstanding.

## CAP. XII.

*The bill for the household.*

**W**HERE treasons, misprisions of treasons, murders, manslaughterers and other malicious strikings, by reason whereof blood is or shall be shed, against the King's peace, been often and many times done and committed within the limits of the King's palace or house, or other house or houses, where and when his Majesty is there demurrant and abiding in his own most royal person, which offences, when they be done, be best known by his Highness officers and ministers of his most honourable household, and by his Majesty's servants of the chequer-roll; (2) and if his Majesty shall happen to remove from such his palace or house, or other house or houses, where such offences were done, before the trial or determination thereof, then such offences might not lawfully be tried, heard and determined by and before the said officers, but be remitted to be tried and determined by the order of the common laws of this realm; (3) by reason whereof, the punishment of the said offenders in such cases hath been long delayed, and sometimes their offences forgotten and not remembred, and so escape unpunished: (4) be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all treasons, misprisions of treasons, murders, manslaughterers, bloodsheds and malicious strikings, by reason whereof blood is or shall be shed against the King's peace, which hath been done since the feast of *All-Saints* last past, or hereafter shall be done, within any the palaces or houses of his Highness or his heirs, or any other house or houses, at such time as his Majesty hath been since the said feast of *All-Saints*, or hereafter shall happen to be then demurrant or abiding in his royal person, shall be from thenceforth enquired of, tried, heard and determined within any the King's palaces or houses, or other house or houses where his Majesty or his heirs shall hereafter repair unto, or be abiding, in manner and form following, that is to say, before the lord great master, or lord steward for the time being, of the King's most honourable household, and of his heirs and successors; and in the absence of the said lord great master, or lord steward of the household, before the treasurer and comptroller for the time being of the King's most honourable household, Where, and before whom murders, malicious strikings, &c. committed in the King's house, shall be tried. Raft. pl. 124.

Punishment of murder and bloodshed within the King's court. 4 Inst. 133.

hold, and of his heirs and successors, and steward of the *Marshalsey* for the time being, or two of them, whereof the steward of the *Marshalsey* for the time being to be one, by virtue of their offices, without any commission or other authority or power, other than by the authority of this present act, to be given unto them or any of them; (5) which steward of the *Marshalsey* shall be for ever from time to time assigned and appointed by writing under the seal of the said lord great master, or lord steward, for the time being. (6) And whether the King's majesty or his heirs, hath, or at any time hereafter shall be, removed from the palace, house or houses, where such offences were or shall be done, or not removed before they be enquired of, tried, heard and determined; yet such offences shall, by the authority of this act, always from henceforth be enquired of, tried, heard and determined before the King's majesty and his heirs officers and ministers of his household before named, or two of them as is aforesaid, by the inquisition and verdict of his Highness and his heirs household servants, in his or their check-roll, in manner and form as before and hereafter is expressed in this present act, and at such palace, house or houses, where his Majesty or his heirs shall be at any time hereafter demurrant or abiding.

II. And that all such returns of process, and all executions and judgments concerning the premises, shall be had and done by the officers before and hereafter expressed, and in manner and form as before and hereafter in this present act is contained.

Enquiry of persons slain within the King's house, or where he shall abide.  
4 Co. 46.

III. And that all inquisitions upon the view of persons slain, or hereafter to be slain, within any of the King's said palaces or houses, or other house or houses aforesaid, shall be, by authority of this act, had and taken hereafter for ever by the coroner for the time being of the household of our sovereign lord the King or his heirs, without any adjoining or assisting of any other coroner of any shire within this realm, by the oath of twelve or mo of the yeomen officers of the King and his heirs most honourable household, returned by the two clerks comptrollers, the clerks of the check, and the clerks marshals, or one of them for the time being of the said household, to whom the said coroner of the same household shall direct his precept; (2) which coroner of our said sovereign lord the King's household shall be from time to time named, appointed and assigned by the said lord great master, or lord steward for the time being; (3) and that the said coroner of the said household shall, from time to time for ever without delay, certify under his seal and the seals of such persons as shall be sworn before him, all such inquisitions, indictments and offices, upon the view of all dead bodies being slain at any time sith the feast of *All-Saints* aforesaid, or which hereafter shall be slain within any of the King's said palaces or houses, or other house or houses aforesaid, before the said lord great master, or lord steward, and in his absence, before the treasurer, comptroller and steward of the *Marshalsey* aforesaid, or before two of them, whereof the said steward of the *Marshalsey* to be one; (4) and that such inquisitions and offices so

certified, shall be deemed, adjudged and taken for ever, as good and effectual in the law to all intents, constructions and purposes, as any inquisition taken upon the view of the body of any person being dead, by any coroner of any county of this realm, hath been or shall be adjudged or taken.

IV. And be it further enacted by the authority aforesaid, That the said two clerks, comptrollers, clerks of the check, and clerks marshals for the time being of the King's said household, and of his heirs, or one of them for ever, upon a precept to them, or to any of them hereafter to be made by the said lord great master or lord steward, or, in the absence of the said lord great master or lord steward, by the said treasurer and comptroller of the King's most honourable household, and the said steward of the *Marshalsey*, or by two of them, whereof the said steward of the said *Marshalsey* to be one, shall have full power to summon, warn and return the names of twenty-four persons, being yeomen officers of the King's said household, and of his heirs, in the said check-roll, to enquire of such treasons, misprisions of treasons, murders, manslughters, and other malicious strikings, by reason whereof blood is or shall be shed, against the King's peace, before the said lord great master or lord steward, and, in his absence, before the said treasurer, comptroller and steward of the *Marshalsey*, or before two of them at the least, whereof the steward to be one.

Enquiry of murders, bloodshed, &c. by the yeomen officers of the King's house.

V. And that it shall be lawful to the said lord great master or lord steward, and, in his absence, to the said treasurer, comptroller, and the said steward aforesaid, or two of them, whereof the said steward to be one, before whom such returns shall be so made as is aforesaid, to cause such number of the said twenty-four persons so returned, above the number of twelve persons, as to him or them shall seem expedient, to enquire of such treasons, misprisions of treasons, murders, manslughters and other malicious strikings, by reason whereof blood is or shall be shed, against the King's peace, within the said palaces or houses, or other the said house or houses, sith the said feast of *All-Saints*, or at any time hereafter shall be committed or done within the said palace or house, or other the said house or houses.

VI. And if any person or persons be indicted by the said jury, so sworn before them as is aforesaid, or by inquisition before the said coroner of the said household, and certified before the said lord great master or lord steward, or in the absence of the said lord great master or lord steward, before the said treasurer, comptroller and steward, or before two of them, whereof the said steward to be one as is aforesaid, that then immediately without delay the said lord great master or lord steward, and, in his absence, the said treasurer, comptroller and steward, or two of them, whereof the said steward to be one, before whom the said presentment, inquisition or indictment shall so be found or certified by the said coroner of the same household, shall arraign before them all and every such person and persons so indicted according to the course of the common law of this realm, (2)

Arraignment of an offender indicted.

and

and forthwith after issue joined between the King our sovereign lord, his heirs or successors, and the prisoner so arraigned, the same day and place, or any other day and place, at the pleasure of the said lord great master, lord steward, and, in his absence, at the pleasure of the said treasurer, comptroller and steward of the *Marshalsey*, or two of them as is aforesaid, shall make another precept to the said clerks comptrollers, clerks of the check, and clerks marshals for the time being of the said household, or to one of them, to summon and return one other jury of twenty-four persons, to appear before the said lord great master or lord steward, and, in his absence, before the said treasurer, comptroller and steward of the *Marshalsey*, or before two of them, whereof the same steward to be one, at such day, time and place, and upon such pain, as shall be then limited and appointed, of the servants and gentlemen officers of the King's chamber, his heirs and successors, and of the said households, which now take, or hereafter shall take, wages by the King's chequer-roll; (3) and that the said lord grand master or lord steward (if he be there present) or in his absence the said treasurer, comptroller and steward of the said *Marshalsey* or two of them, whereof the same steward to be one, before whom such jury shall be so returned, shall cause twelve of the same jury to be sworn, without any manner of challenge to be had or allowed for any manner of cause, to any of the said jury (malice only excepted) truly to be tried between our said sovereign lord the king and his heirs, and such person and persons as shall be so indicted and arraigned of such treasons, misprisions of treasons, murders, manslaughters and other malicious strikings, by reason whereof blood is or shall be shed, against the King's peace, or any of them; (4) and if any such person or persons, so indicted and arraigned, be found guilty of any treason, misprision of treason, murders or manslaughters, that then all and every such person and persons so found guilty, shall have judgment of life and member, and suffer such pains of death, and shall forfeit all their manors, lands, tenements, goods and chattels, in like manner and form, as if the same person and persons had been found guilty of any the said offences by the order of the common laws of this realm, without allowing to any such person or persons so found guilty of any of the same offences, the benefits of his or their clergy, or privilege of any sanctuary.

The judgment  
of an offender  
found guilty,  
and his forfei-  
ture.

The judgment  
for striking in  
the King's pa-  
lace, whereby  
blood shall be  
shed.

VII. And if any person or persons so arraigned be found guilty for malicious striking, by reason whereof blood is, hath been, or shall be shed, against the King's peace, within the said palace or house, or any other house, or any other the said house or houses; that then every such person or persons shall from henceforth have judgment by the said lord great master or lord steward, (if he be present) and in his absence by the other aforesaid, before whom such person and persons shall be so found guilty, to have his right hand stricken off before the said lord great master, or lord steward, if he be there present, and in his absence before the said treasurer, comptroller and steward of the

*Mar-*

*Marbalscy*, or two of them at the least, whereof the said steward to be one, and at such place or time as he or they before whom such person or persons shall be so found guilty, shall appoint execution to be done; (2) and the same execution to be done by such person as the said lord great master, or lord steward, if he be there present, and in his absence as the said treasurer, comptroller and steward of the *Marbalscy*, or two of them, whereof the steward to be one, shall name or appoint, (3) and also shall have judgment to have perpetual imprisonment during his life, and shall pay fine and ransom at the King's majesty's pleasure, his heirs and successors.

VIII. And for the further declaration of the solemn and due circumstance of the execution appertaining, and of long time used and accustomed, to and for such malicious strikings, by reason whereof blood is, hath been, or hereafter shall be shed, against the King's peace: (2) it is therefore enacted by the authority aforesaid, That the sergeant or chief surgeon for the time being, or his deputy, of the King's household, his heirs and successors, shall be ready at the time and place of execution as shall be appointed, as is aforesaid, to sear the stump when the hand is stricken off.

IX. And the sergeant of the pantry for the time being of the same household, or his deputy, shall be also then and there ready to give bread to the party that shall have his hand so stricken off.

X. And the sergeant of the cellar for the time being of the same household, or his deputy, shall also be then and there ready with a pot of red wine, to give the same party drink, after his hand is so stricken off, and the stump seared.

XI. And the sergeant of the ewry for the time being of the same household, or his deputy, shall also be then and there ready with clothes sufficient for the surgeon to occupy about the same execution.

XII. And the yeoman of the chandry for the time being of the same household, or his deputy, shall also be then and there, and have in readiness seared cloths, sufficient for the surgeon to occupy about same execution.

XIII. And the master cook for the time being of the same household, or his deputy, shall also be then and there ready, and bring with him a dressing knife, and shall deliver the same knife at the place of execution to the sergeant of the larder for the time being of the same household, or to his deputy, who shall be also then and there ready, and hold upright the dressing knife till execution be done.

XIV. And the sergeant of the poultry for the time being of the same household, or his deputy, shall be also then and there ready with a cock in his hand, ready for the surgeon to wrap about the same stump when the hand shall be so stricken off.

XV. And the yeoman of the scullery for the time being of the same household, or his deputy, to be also then and there ready, and prepare and make at the place of execution a fire of coals,

coals, and there to make ready searing-irons against the said surgeon or his deputy shall occupy the same.

The chief fer-  
ror.

XVI. And the serjeant or chief feror for the time being of the same household, or his deputy, shall be also then and there ready, and bring with him the searing-irons, and deliver the same to the same serjeant or chief surgeon, or to his deputy, when they be hot.

Groom of the  
falcery.

XVII. And the groom of the falcery for the time being of the same household, or his deputy, shall be also then and there ready with vinegar and cold water, and give attendance upon the said surgeon or his deputy, until the same execution be done.

The serjeant  
of the wood-  
yard.

XVIII. And the serjeant of the wood-yard for the time being, of the same household, or his deputy, shall bring to the said place of execution a block, with a betil, a staple, and cords, to bind the said hand upon the block, while execution is in doing.

The party in-  
dicted refusing  
to answer di-  
rectly, or  
standing  
mute.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons so indicted of treason, misprision of treason, murder, manslaughter, or other malicious striking, by reason whereof blood is, hath been, or shall be shed, against the King's peace, as is aforesaid, and thereof be arraigned, and obstinately refuse to answer directly to the same offences whereof he or they be so indicted; or if such person or persons so indicted and arraigned, stand mute, and will not speak, then such person and persons so refusing to answer, or standing mute, shall be convict, judged and deemed guilty of the thing whereof he or they is or shall be so indicted and arraigned, and shall have judgment to have like pains of death, and other pains, punishments, executions, forfeitures, losses, and seizures of lands, tenements, goods and chattels for the same, as he or they ought or should have had for such like offences, if he or they were or should be found guilty thereof by the verdict of twelve men. (2).

A crier shall be  
appointed.

And be it further enacted by the authority aforesaid, That the said clerks comptrollers, clerks of the check, and clerks marshal, or one of them for the time being, shall from time to time name, assign, and appoint a crier to make proclamations, and to call the juries, and to do other things as becometh a crier of a court to do belonging to that office.

XX. Provided always, and be it enacted by the authority aforesaid, That this act before rehearsed, concerning malicious strikings, by reason whereof blood is, hath been, or shall be shed, against the King's peace, ne the pains and forfeitures before rehearsed for the punishment of the same, shall not in any ways extend nor be prejudicial or hurtful to any nobleman, ne to any other person or persons, that shall happen to strike his or their servants within the said palaces or houses, or any other house or houses aforesaid, or within the limits of the same, with his or their hands or fists, or with any small staff or stick, for correction and punishment for any offences committed and done, or to be committed and done, (2) ne to any of the King's officers or servants that shall strike any persons within the same pa-  
lace

lace or house, or any other house or houses as aforesaid, although by reason of the said stroke or strokes there happen to be any blood shed of such person as shall be so stricken, except the person so stricken do die of the same stroke within one year next after the same stroke so given. (3) Provided also, and be it enacted by the authority aforesaid, That the trial of peers of this realm, for committing or doing any offences in this act before mentioned, shall be as it hath been used in times past; any thing in this act contained to the contrary notwithstanding. Trial by peers.

XXI. Provided also, That the liberty and jurisdiction of the *Marshalsey* court and circuit of the verge shall be in all points, privileges and authorities, used by the ministers and officers of the same, in as full and as ample manner as hath been heretofore lawfully used, for murders, felonies, offences, and all trespasses, contracts and other suits whatsoever they be; any thing in this act to the contrary notwithstanding. The liberty of the verge.

XXII. And forasmuch as before this time one Richard Staverton of Lincoln's Inn, gentleman, was commanded and appointed by the King's majesty to occupy the office of the coroner of his said house, by force whereof he hath continued officer in the same by the space of sixteen years or more: be it enacted by the authority aforesaid, That the said Richard Staverton shall have, occupy and enjoy the said office of coroner during his life, together with all such profits and commodities as before this time have been due and appertaining in any wise to the same; (2) and after his decease, the said coroner always to be made, assigned and appointed by the said lord great master, or lord steward for the time being. The coroner of the King's house.

XXIII. And for that hereafter it might be doubted, how far the limits and bounds of the said house or houses should extend or be taken, within which limits or bounds any the said offences which have been committed or done sith the said feast of All Saints, or hereafter shall be committed or done, for the which all and every person and persons so offending, should have and suffer the pains, penalties and forfeitures as is aforesaid; for plain declaration thereof, and for the avoiding of all doubts and questions which may hereafter happen to arise of, for, or upon the same:

XXIV. Be it enacted by the authority aforesaid, That the limits and bounds of the said house and houses, within which any of the offences aforesaid, now committed or done sith the said feast of *All Saints*, or hereafter to be committed and done, shall be punished as is aforesaid, shall extend and be taken within these places ensuing, and in none other, that is to say, within any edifices, courts, places, gardens, orchards, or houses within the porters ward, of any of the house or houses above rehearsed, or within any gardens, privy walks, orchards, tilt-yards, wood-yards, tennis-plays, cock-fights, bowling-alleys near adjoining to any of the houses above rehearsed, and being part of the same, or within two hundred foot of the standard of any outward gate or gates of any of the houses above rehearsed, commonly used for passage out or from any the house or houses above rehearsed. The limits and bounds of the King's house.

XXV. Pro-

XXV. Provided alway, That this act shall not take effect, or be put in execution, till from and after the first day of *May* next ensuing, except only for murders and manslaughters; for the which offences of murder and manslaughter, the same to take effect from the feast of *All Saints* last past, according to the tenor and effect of the said act.

Cases of striking, to which this statute doth not extend.

XXVI. Provided always, and be it enacted by the authority afore said, That this act before rehearsed concerning malicious strikings, by reason whereof blood is, hath been, or shall be shed, against the King's peace, ne the pains and forfeitures before rehearsed for the punishment of the same, shall not in any wise extend, or be prejudicial or hurtful to any nobleman, ne to any other person or persons, that shall happen to strike his or their servants within the said palace or house, or any other house or houses, place or places afore said; or within the limits of the same, with his or their hands or fists, or with any small staff or stick, for correction and punishment for any offences committed and done, or to be committed and done; (2) ne to any of the King's officer or officers, that in executing of his or their office shall strike any person or persons with his or their hands or fists, or with any small staff or stick, or with any staff commonly called a tip-staff, within the same palace or house, or in any other palaces or houses or places afore said; (3) ne to any other person or persons, that in doing service at any triumph, or any other time of service, by the King's commandment, or of any of his Grace's council, or other his Grace's head officers, shall happen, for the executing of their said service, to strike any person or persons with his or their hands or fists, or with any small staff or stick, or with any staff commonly called a tip-staff, within the same palace or house, or any other palaces or houses, or place or places afore said, although by reason of the same stroke or strokes there happen to be any blood shed of such person as shall be so stricken, except the person so stricken do die of the same stroke within one year next after the stroke so given.

Stealing the King's goods, or entering his house to steal, shall be felony. Rep. 1 Ed. 6. c. 12. 1 M. Jeff. 1. c. 1.

XXVII. And also be it further enacted by the authority afore said, That if any person or persons shall, from the first day of *April* next coming, steal or feloniously take away any plate, jewels or other goods of our said sovereign lord the King, his heirs or successors, kings, of the value of xii. d. or above, or break or enter into any the King's houses, to the intent to steal any of the King's goods, his heirs or successors, kings, though his Majesty be absent, or any other house, while it shall fortune the same his Majesty to be lodged or abiding therein, every such offence to be deemed felony; (2) and the person or persons so offending, their abettors, procurers, counsellors and receptors, thereof lawfully convicted, to suffer like penalties, forfeitures and pains of death, as appertaineth to felons, without having the benefit of their clergy or sanctuary; (3) and every such offender being apprehended within the verge of the King's house, to be arraigned and tried by

1 Bulfr. 198. The trial of the offender.

men

men of the country, as other offenders for offences done within the verge, before the steward of the said *Marshalsey*, and other unto him associated, are to be arraigned and tried within the same precinct.

## CAP. XIII.

*Certain lordships translated from the county of Denbigh to the county of Flint.*

WHERE in the parliament holden at Westminster in the xxxii. year of the reign of our sovereign lord King Henry the Eighth, that now is, it was amongst other enacted, That notwithstanding viii. county days in one year, and ix. county days in another year, were before that time holden and kept within the county palatine of Chester, before the justicer of the same county, that from that time forthward the said justicer should hold and keep but only two sessions every year within the same county, the one whereof to be kept after Michaelmas, and the other after Easter, and that from thenceforth all the said county days should clearly cease and determine for ever, as by the same act at large more plainly appeareth: (2) and forasmuch as within the same county palatine it hath not been used nor seen, that the sheriff of the same county hath kept any shire-court for determination of plaints, and calling the exigends, as is commonly used in other shires of this realm, there was therefore never sithen the making of the said act any exigend of felony, or other clause proclaimed within the said county, to the no little hindrance of justice, and to the great boldness of offenders: (3) for reformation whereof, be it enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the sheriff of the said county for the time being, after the feast of *Easter* next coming, shall be bound to keep his shire-court in the shire-hall of the said county every month for ever, for determination of plaints and actions under xl. s. and for proclamations, and calling of *exigends*, and other necessary causes, as is used in other shires of this realm of *England*, (4) and that two head coroners for the body of the said shire, shall be elected and chosen by virtue of the King's writ, *De coronatore eligendo*, to be awarded out of the exchequer of *Chester*, which coroners shall be bound to sit with the said sheriff at the said courts, to give judgment upon utlaries, and to do all other things as appertaineth.

II. And be it further enacted by the authority aforesaid, That the said two sessions, in form aforesaid, to be holden within the said county, shall and may be holden at such time and times as by the said justicer or his deputy shall be appointed, as well before the said feasts of *Easter* and *Michaelmas*, as any other time, according as is most commonly used in other shires of this realm, so always open proclamation be thereof made by the space of xv. days at the least before the first day of the keeping of the same sessions.

VOL. V.

H

III. And

Stat. 32 H. 8.  
c. 43.  
Lordships in  
Wales re-  
moved from  
the county  
of Denbigh  
to the county  
of Flint, &c.

When and  
where the  
shire-court  
in the county  
of Chester  
shall be kept.  
31 Ed. 3.  
ft. 1. c. 1.

There shall be  
two coroners  
chosen for the  
county of  
Chester.

When the sessions for the county of Chester shall be holden.  
27 H. 8. c. 26.

Certain lordships and parishes in Wales annexed to the county of Flint.

III. And where the lordships, towns and hamlets of *Hope* and *Affaph*, have of old time been reputed, accepted and taken as part and parcel of the county of *Flint*, and so have been continued until now of late, that by an act of parliament made in the xxvii. year of the reign of our most dread sovereign lord the King's majesty that now is, the same were assigned to the county of *Denbigh*: (2) and also where parcel of the parish of *Hawarden* is at this day, and of old time hath been accepted, taken and used as part of the said county of *Flint*, and the residue of the said parish of *Hawarden* is and always hath been without the precinct, limits and jurisdiction of the same county: (3) be it also enacted by the authority aforesaid, That as well the said lordships, towns and hamlets of *Hope*, *Affaph*, and the said whole parish of *Hawarden*, together with the lordship of the same, as also the lordships towns and parishes of *Moldefdale*, *Mereford* and *Oseley*, and all the lands, tenements and hereditaments within the precinct and limits of the same, or any of them, shall from henceforth be reputed, accepted, taken and adjudged to be within the said county of *Flint*, as a member, part and parcel of the same county of *Flint*, and not of nor within any other county or shire; any statute, ordinance, law or custom heretofore had or used to the contrary thereof in any wise notwithstanding.

Certain towns in the county of Flint in Wales assigned to be within the hundreds of Moldefdale and Ruthland.  
Explained by 34 & 35 H. 8. c. 26. f. 97.

IV. Provided always, That the inhabitants and tenants of the said lordships, towns, hamlets and parishes of *Hope*, *Affaph*, *Moldefdale*, *Mereford* and *Hawarden*, shall pay their missies and tallages, when, and as oft as the same shall be due, with the inhabitants of such shire or shires as before time have been accustomed. (2) And that the said lordships of *Hope*, *Moldefdale*, *Mereford*, *Oseley*, and *Hawarden*, with the whole and entire parish of *Hawarden*, and all the grounds, lands, tenements and hereditaments within the precinct and limits of the same, shall from henceforth be called, taken and accepted, the hundreds of *Moldefdale* in the county of *Flint*. (3) And that the said lordship of *Affaph*, with all the grounds, lands, tenements and hereditaments within the precinct and limits of the same, shall be taken, accepted and adjudged to be as part and parcel of the hundred of *Ruthland* in the same county.

#### CAP. XIV.

REP. 1 Ed. 6. It shall be felony to declare any false prophecy upon occasion of arms, fields, letters, &c.  
3 & 4 Ed. 6. c. 15. 1 Mar. stat. 1. c. 1. See 5 El. c. 15.

#### CAP. XV.

REP. 1 Jac. 1. A repeal of so much of the statute of 32 H. 8. c. 12. as doth assign the town of *Manchester* to be a place of sanctuary. But instead thereof, the city of *Westchester* in the county of *Chester* shall be a place of sanctuary.  
c. 25 & 26 Jac. 1. c. 22.

CAP.

## CAP. XVI.

*A bill for worsted yarn in Norfolk.*

**W**HEREAS for the most part in all the shires and counties of this realm of England, there be and have been certain private commodities growing and arising only within the said shires or counties, by the which only commodities politickly provided for and continued, the cities and towns within the said shires and counties, and the inhabitants of the same, be and have been, without any foreign aid or succour, plentifully and wealthily kept, maintained, defended and preserved; (2) all which commodities, by the deceit and subtil practices as well of merchant strangers, as of divers other covetous and evil-conscienced persons, have been and be many time clearly destroyed and subverted, to the great loss and decay as well of the said cities and towns within every such shires and counties, as of the inhabitants of the same; (3) amongst the which said cities, towns, shires and counties, having private commodities, the city of Norwich, and divers other and many towns in the county of Norfolk, hath been always heretofore kept preserved and maintained, and the poor men, and other dwellers and inhabitants in the same, godly, honestly, and virtuously brought up, occupied and exercised, by a commodity growing and rising only within the said county, that is to say, by the making and weaving of worsteds and other cloths, which hath been made and woven of the yarn called worsted yarn, spun of the wool growing and coming of the sheep bred only within the county of Norfolk, and in no place elsewhere: (4) And forasmuch as the said commodity of making and weaving of worsteds within the said city of Norwich and county of Norfolk, by the deceit and crafty practices of the great multitude of regrators and buyers of the said yarn called worsted yarn, is wholly decayed and taken away from the said dwellers and inhabitants in the said city and shire; that is to say, in that, that the said regrators do buy the said yarn by small parcels of many men, and after that they have so by little and little bought a great quantity of the said yarn, do not cause it to be woven, or otherwise wrought in the said city or county, but do sell, send and carry away the same yarn out of this realm of England, into France, Flanders, and such other like places beyond the sea; (5) where with the said yarn, strangers, not being born under the King's dominions, do make and weave says, ruffs, worsteds, and divers and sundry other cloths and things, the which after they have so made and woven, the said strangers do sell again unto us Englishmen, within this said realm of England, to their great profit, lucre and advantage, and to the clear decay and destruction of the said commodity; (6) by reason whereof the said city of Norwich, and other the said towns in the said county of Norfolk, are not only most likely to be brought to utter ruin and decay, and the poor men, and other dwellers and inhabitants of the same, which have been heretofore set on work, kept and maintained only by the said commodity, illuded and deceived thereof, but also are very like to be left destitute and unprovided of a living, or any manner of art or occupation, by the which they shall be able, within the said city or county, to acquire to them-

Worsted yarn is the private commodity of the city of Norwich and the county of Norfolk.

Who only  
may buy wor-  
sted yarn in  
city of Nor-  
wich or county  
of Norfolk.

*selves, their wives and children, any honest way and trade to live :*  
(7) Be it therefore ordained and enacted by the assent of the King's most royal majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no person ne persons from henceforth shall buy, ne cause to be bought, within the said city of *Norwich* or county of *Norfolk*, any yarn called worsted yarn, the which shall be spun within the said city or county, but only such person or persons being weavers or other artificers, the which shall weave or otherwise work, or cause to be woven or otherwise wrought, the said yarn so bought within the said city and county, in the said city of *Norwich*, or some other market town or towns, or elsewhere within the said county of *Norfolk*, (8) upon the pain of forfeiting for every pound weight of yarn called worsted yarn, so bought within the said city of *Norwich* or county of *Norfolk*, and not woven or otherwise wrought within the said city or county, as is aforesaid, xl. s. the one half thereof to our sovereign lord the King, and the other half to him or them that shall so take the said yarn, or sue for the same by bill, plaint, information or otherwise; in which suit no essoin, protection, ne wager of law shall be allowed or admitted.

No worsted  
yarn shall be  
transported, or  
shipped to be  
transported.

II. And be it further ordained and enacted by authority aforesaid; That if any person or persons do, from or after the first day of *April* next ensuing, ship to carry or convey, or cause to be shipped to carry or convey into the parts beyond the sea, or else do carry and convey, or cause to be carried and conveyed into the parts beyond the sea, any yarn called worsted yarn, not wrought or made in cloth, so such yarn be spun or made within this realm of *England*; that then every person and persons for shipping, conveying or carrying, or causing such yarn so to be shipped, carried or conveyed, shall forfeit for every pound of worsted yarn so shipped, conveyed or carried, xl. s. the one half thereof to be unto our sovereign lord the King, the other half unto him or them that will sue for the same in any court of record, by information, bill, plaint or otherwise; wherein no wager of law, essoin or protection shall be allowed. (2) This act to continue and endure until the last day of the next parliament.

Continued 37  
H. 8. c. 33.  
Made per-  
petual by  
1 Ed. 6. c. 6.

## C A P. XVII.

*An act for the confirmation and continuance of certain acts.*

22 H. 8. c. 12.  
Poor.

WHERE in the parliament begun and holden at London the third day of November in the xxi. year of the reign of our most dread sovereign lord King Henry the Eighth, and from thence adjourned to Westminster, and there holden and continued by divers prorogations until the dissolution thereof, an act was made and established, declaring and concerning as well how the aged, poor and impotent persons, compelled to live by alms; should be ordered and used, and also how vagabonds and mighty strong beggars should be whipped and punished: And at the said parliament one other act was made  
and

and established for the restraint of carrying and conveying of horses and mares out of this realm: and also at the said parliament one other act was made and established for punishment of Welshmen, attempting assaults or affrays upon any the inhabitants of Hereford, Gloucester or Shropshire: Which said three several acts were also made to endure to the last day of the next parliament, as by the same three several acts more plainly appeareth: and also one other act was there made in the said parliament, for the true making of cables, halsters and ropes; and also one other act for the true winding of wools; and one other act to restrain killing of wainlings, bullocks, steers or heifers, being under the age of two years: which said three several acts last before remembered were then made to endure and continue to the next parliament, as by the same three several acts more plainly appeareth: and where also in the said parliament one other act was made and established for the attainments to be sued for the punishment of perjury upon untrue verdicts; and also one other act was there made in the said parliament concerning sowing of flax and hemp; all which said two several acts last before rehearsed, were then made and ordained to continue and endure to the last day of the next parliament, as by the same two several acts more plainly at large is shewed and may appear: and where also in the said parliament one other act was made and established for making of gaols in divers shires of this realm, which said act was then made to continue and endure for one year next after the end of the same parliament, as by the same act also more plainly appeareth: and where also in the parliament begun and holden at Westminster the eighth day of June in the eight and twentieth year of the reign of our said most dread sovereign lord King Henry the Eighth, and there continued and kept until the dissolution thereof, it was ordained and enacted, That all and singular the said several acts above remembered, and every of them, should continue and endure in their force and strength, and also be observed and kept, until the last day of the next parliament as by the same act amongst other things therein contained more plainly appeareth: and where also in the parliament begun and holden at Westminster the eight and twentieth day of April, and there continued until the eight and twentieth day of June in the one and thirtieth year of the reign of our most dread sovereign lord King Henry the Eighth, it was ordained and enacted by the authority of the same parliament, that all and singular the said several acts above remembered, and every of them, and all clauses, articles and provisions in them and every of them contained, should continue and endure in their force and strength, and also be observed and kept, until the last day of the next parliament, as by the same act amongst other things therein contained more plainly appeareth: and where also in the last session of the same parliament, begun at Westminster the twelfth day of April in the said thirty-first year of the King's most noble reign, and there by divers prorogations continued until the twenty-fourth day of July in the thirty-second year of our said sovereign lord the King's reign, there was one other act made and established for and concerning the reformation of mispleading, jeofails and attorneys, which same act, with the proviso therein contained, were made to endure until the last day of the next parliament, as by the same act and proviso amongst other things therein contained

21 H. 8. c. 7.  
Horses.  
26 H. 8. c. 11.  
Welshmen.

21 H. 8. c. 12.  
Cables.  
23 H. 8. c. 17.  
Wools.  
24 H. 8. c. 9.  
Wainlings.  
23 H. 8. c. 3.  
Perjury.

24 H. 8. c. 4.  
Flax.

23 H. 8. c. 2.  
Gaols.

31 H. 8. c. 30.  
Jeofails.

*more plainly appeareth: and forasmuch as all and singular the said several acts above mentioned be good and beneficial for the common wealth of this realm: be it therefore enacted and ordained by the authority of this present parliament, That all and singular the said several acts, and every of them, and all clauses, articles and provisions in them and every of them contained, shall continue and endure in their force and strength, and be observed and kept in all things, unto the last day of the next parliament.*

Hemp or flax shall not be watered in any running stream or common pond.

Forfeit.

II. Provided always, and be it enacted by the authority of this present parliament, That it shall not be lawful to any person or persons, at any time hereafter, to water any manner of hemp or flax in any river, running water, stream, brook or other common pond, where beasts be used to be watered, but only on the grounds or pits for the same ordained, and to be ordained, made and provided, or else in other their own several ponds, upon pain every person and persons, offending or doing contrary to the tenor, meaning and purport of this statute, to lose and forfeit for every time so doing, twenty shillings, the one half thereof to be to our sovereign lord the King, and the other half thereof to be to the party grieved, or to any other the King's subjects that will sue for the same forfeiture in any court of record, leet or law-day, by action of debt, bill, plaint, information or otherwise, in which suit no protection, wager of law, essoin or other dilatory plea shall be admitted or allowed.

#### CAP. XVIII.

Rep. 5 & 6.  
Ed. 6. c. 6.

So much of the statute of 27 H. 8. c. 12. as doth concern the breadth of kersey, repealed, and the residue confirmed.

#### CAP. XIX.

*An exposition of a certain statute concerning the shipping of cloths.*

27 H. 8. c. 13.

**W**HERE in the parliament begun and holden at London the third day of November in the one and twentieth year of the reign our of most dread sovereign lord King Henry the Eighth, and from thence adjourned to Westminster, and there also holden and continued by divers prorogations unto the fourth day of February in the seven and twentieth year of our said sovereign lord the King's reign, and there then holden until the dissolution thereof, it was by act of parliament ordained and established, That every white woollen cloth sold for four pound and under, and every coloured cloth sold for three pound and under, might be carried and conveyed into the parts of beyond the sea, there to be sold at the pleasure of the buyers of the said cloth and cloths, unbarbed, unshorn and unrowed; any act or acts to the contrary made notwithstanding.

II. And by the same act it was further enacted, That if any person or persons did send or convey, or cause to be sent and conveyed, into the parts beyond the sea, any white woollen cloth above the value of iv. li. or any coloured cloth above the price of iii. li. unrowed, unbarbed and unshorn, in other form than is above mentioned, that then the person or persons so offending shall forfeit the value of the said cloths, so carried and conveyed into the parts beyond the sea, (2) the one

and moiety of the same forfeiture to be to the use of our said sovereign lord the King, and the other moiety to any person which will or shall sue by bill, writ or otherwise, against any person for the same; (3) and the defendant in any plea upon any such suit or action be not admitted to wage his law, nor any protection nor essoin for any such defendant be allowed in the same, as by the same act more plainly appeareth; (4) upon the interpretation and expounding of certain words within the said act, diversity of opinions hath risen amongst some persons, that if any person or persons send or convey, or cause to be sent or conveyed, towards the parts beyond the sea, any white woolen cloth above the value of iv. li. or any coloured cloth above the value of iii. li. unrowed, unbarbed or unshorn, whether the same cloth so sent, or the value thereof be forfeited, before the same cloth be carried and conveyed into the parts beyond the sea: (5) for a plain declaration of the premises, be it ordained and enacted by the authority of this present parliament, That no person or persons from henceforth shall carry or ship, or cause to be shipped in any ship, boat, cray or vessel, any white woolen cloth above the value of iv. li. or any coloured cloth above the value of iii. li. unrowed, unbarbed or unshorn, to the intent to be conveyed into the parts beyond the sea, upon pain of forfeiture of the same cloth or cloths, or the value thereof, the same forfeiture to be recovered in such manner and form as is aforementioned.

Of what value  
woolen cloths  
white or co-  
loured, car-  
ried over the  
sea, or shipped  
to be carried,  
may be.  
3 H. 7. c. 11.  
8 El. c. 6.  
10 Ann. c. 16.

## CAP. XX.

*How treason committed by a lunatick shall be punished, and in what manner he shall be tried.*

**F**ORASMUCH as sometime some persons, being accused of high treasons, have, after they have been examined before the King's majesty's council, confessed their offences of high treason, and yet nevertheless after the doing of their treasons, and examinations and confessions thereof, as is aforesaid, have fallen to madness or lunacy, whereby the condign punishment of their treasons, were they never so notable and detestable, hath been deferred, spared and delayed; and whether their madness or lunacy by them outwardly shewed were of truth, or falsely contrived and counterfeited, it is a thing almost impossible certainly to judge and try; be it therefore enacted by authority of this present parliament (to avoid all sinister, counterfeited and false practices and imaginations that may be used for excuse of punishment of high treasons, in such cases where they be done or committed by any person or persons of good, perfect and whole memory at the time of such their offences) that if any person or persons have done or committed, or hereafter shall do or commit any high treasons, when they were in good, whole and perfect memory, and after their accusation, examination and confession thereof before any the King's majesty's council, shall happen to fall to madness or lunacy, that yet nevertheless if it shall appear by the testimony of four of the King's council, or more, that such persons, at the time of doing their treason, and at the time of their accusation, examination and confession thereof, were of good, perfect and whole

3 Inst. 5, 6, 19,  
214, 215.

Altered by  
1 & 2 Ph. & M.  
c. 10,

memory, and then not mad nor lunatick, but since that time fallen to madness or lunacy, and so certified into the King's chancery by writing subscribed with the names of four of the said council, or mo; that then, in every such case, the King's majesty's commission of *Oyer* and *Determiner* of the treasons shall be awarded out of the said chancery, under his highness great seal, into such shire and place, and to such persons, as it shall please the King's most royal majesty to limit and appoint, in which commission shall be specially mentioned and expressed the names of such person or persons, who shall happen to be accused and examined of treason before any the King's majesty's council, as is aforesaid, and an express mention, that by the testimony of four of the King's council, such person and persons so accused or examined of treason, were of good, perfect and whole memory at the time of committing their offences, and at the time of their accusation, examination and confession thereof, and that since that time they become mad or lunatick; by virtue of which commission, the commissioners limited by the same commission shall have power and authority to inquire of the treasons done by such persons, by the inhabitants or freeholders of the shire where such commission shall be directed to, wherefoever the said treasons were done or committed; and if such person or persons aforesaid shall happen to be indicted of high treason, then the said commissioners, without the personal appearance or arraignment of such person or persons so indicted, shall cause the sheriff or his ministers, or other having authority to return process of such cases, to return a panel before them of sufficient and lawful freeholders of the shire where such persons shall be indicted, for the trial of their treasons contained in their indictment; and after the return of the panel and appearance of the jury, the said commissioners, in the absence of the said person or persons indicted being mad or lunatick, without any arraignment, answer or plea to the indictment, shall swear twelve of such of the said jury as shall be returned before them, to try whether the person or persons indicted be guilty of the treasons contained in the indictment, or of any of them, or not guilty, causing only the indictment to be read to the said jury, and after the reading thereof cause and suffer upon evidence to be given to the jury, as well for the King as for the party, touching the treasons, contained in the indictment, as to their discretions shall seem convenient; whereupon the jury shall be bound to give their verdict according to their evidence, as if the persons indicted had been present, arraigned and pleaded to the same: and if it shall happen such person or persons, so indicted, to be found guilty by the said jury so charged to try such treasons, that then the offenders of such treasons so found guilty, shall have such judgment, and suffer such pains of death, forfeitures of lands, goods, chattels and all other things, as is commonly limited in cases of high treason, and as if such persons had been of good and whole memory, and personally present arraigned and pleaded to their indictment,

ment, and had been found guilty thereof; their madness or lunacy, or their absence, non-arraignment, or not pleading to the said indictment, in any wise not letting nor withstanding.

Provided alway, and be it enacted by the authority aforesaid, Peers.

That if any of the peers of this realm shall happen to be accused and examined of high treason before any of the King's council, and do confess the same, and afterward fall to madness or lunacy, as is aforesaid, that then such treasons done and committed by any peer of this realm, and by him or her confessed upon examination thereof before any the King's council, as is aforesaid, and their confessions, if they can write, subscribed with their names, shall be enquired of by virtue of the King's commission of *Oier* and *Determiner*, to be awarded in manner and form above rehearsed: and if they shall happen to be indicted of high treason by virtue of such commission, yet nevertheless their trial shall be always had by their peers before the high steward of *England*, to be assigned by the King's highness; and that the high steward to be assigned by the King's majesty, in every such case, shall have the record of the indictment brought to him, and shall cause to be summoned to appear before him the peers of the realm, as hath been accustomed, at a day, and place by the said high steward to be limited, at which day and place the said high steward, after the appearance of the peers before him, having the record of the said indictment before him, shall, in the absence of the person indicted, which shall happen to be mad or lunatick, as is aforesaid, and, without his or her arraignment or pleading to the indictment, cause the said indictment to be read to the peers, and in their presence cause to be declared by his discretion all manner of evidence and witness touching the treasons contained in the said indictment, and afterward charge the said peers, upon their faiths and duties of allegiance that they owen to the King's majesty, to try whether the person indicted be guilty of the treasons contained in the indictments, or any of them, or not guilty; and if they shall find him or her guilty, that then such judgment, Trial.  
Judgment.  
execution and forfeitures shall be had, made and done, as if such person indicted had been of good memory, and personally present arraigned and pleaded to the said indictment, and had been found guilty of the treasons therein contained; the madness or lunacy of such person in such cases as is aforesaid notwithstanding.

II. And be it further enacted by the authority of this present parliament, That if any person or persons shall happen to be attainted and convicted of high treason by authority of parliament, or by the due course of the common laws or statutes of this realm, and afterwards fall to madness or lunacy, that yet nevertheless they shall have and suffer execution (their madness or lunacy notwithstanding) and that if any person or persons shall be attainted of high treason by the course of the common laws or statutes of this realm, that in every such case every such attainder by the common law shall be of as good strength, Attainder of treason by the common law shall be of as good force as by act of parliament.  
1 & 2 Ph. & M. c. 10. f. 8.  
Hob. 340.  
2 Roll. 341.  
342, 375, 428.  
value,

Godb. 305.  
ph. 417.  
Palmer 439.  
3 Co. 2. 10.  
Cro. Car. 447.  
Hob. 347.

value, force and effect, as if it had been done by authority of parliament; (2) and that the King's majesty, his heirs and successors, shall have as much benefit and advantage, by such attainder, as well of uses, rights, entries, conditions, as possessions, reversions, remainders, and all other things, as if it had been done and declared by authority of parliament, (3) and shall be deemed and adjudged in actual and real possession of the lands, tenements, hereditaments, uses, goods, chattels, and all other things of the offenders so attainted, which his Highness ought lawfully to have, and which they so being attainted ought or might lawfully lose and forfeit, if the attainder had been done by authority of parliament, without any office or inquisition to be found of the same; any law, statute, or use of this realm to the contrary thereof in any wise notwithstanding.

Hob. 241.  
1 Leon. 21.  
Moor 312.  
A saving of  
the right of  
others.  
2 Mod. 133.

III. Saving to all and every person and persons, and bodies politick, and their heirs, assigns and successors, and every of them (other than such person and persons which hereafter shall be attainted of high treason, and their heirs and assigns, and every of them, and all and every other person and persons claiming by them, or any of them, or to their uses, or to the uses of any of them, after the said treasons committed) all such right, title, use, possession, entry, reversions, remainders, interests, conditions, fees, offices, rents, annuities, commons, leases, and all other commodities, profits and hereditaments whatsoever they or any of them should, might, or ought to have had, if this act had never been had made,

### CAP. XXI.

#### *Queen Katharine and her complices attainted of high treason.*

*This act is not  
on the roll.*

Queen Katharine attainted of treason, for her incontinent life, and her complices; and all their lands and tenements, goods and chattels shall be forfeit to the King. It shall be lawful for any of the King's subjects, if themselves do perfectly know, or by vehement presumption do perceive, any will, act, or condition of lightness of body in her which shall be the Queen of this realm, to disclose the same to the King, or some of his council; but they shall not openly blow it abroad, or whisper it, until it be divulged by the King or his council. If the King, or any of his successors, shall marry a woman which was before incontinent, if she conceal the same, it shall be high treason; and so shall it be in any other knowing it, and not revealing it to the King, or one of his council, before the said marriage, or within twenty days after. If the Queen, or wife of the Prince, shall by writing, message, words, tokens, or otherwise, move any other to have carnal knowledge with them, or any others shall move either of them to that end, then in the offender it shall be adjudged high treason.

Rep. 7 Ed. 6.  
c. 12. & 1 M.  
sess. 1. c. 1.

The King's  
assent to acts

III. Be it declared by authority of this present parliament, That the King's royal assent by his letters patent under his great

great seal, and signed with his hand, and declared and notified of parliament in his absence to the lords spiritual and temporal, and to the commons, assembled together in the high house, is and ever was of as good strength and force, as though the King's person had been there personally present, and had assented openly and publickly to the same.

IV. And be it also enacted, That this royal assent, and all other royal assents hereafter to be so given by the Kings of this realm, and notified as is aforesaid, shall be taken and reputed good and effectual to all intents and purposes, without doubt or ambiguity; any custom or use to the contrary notwithstanding, &c.

## CAP. XXII.

The authority of the officers of the court of wards and liveries, 4 Inst. 138.  
stat. 32 Hen. 8. cap. 46. with several explanations and mo- Rep. 12 Car. 2.  
derations. C. 24.

## CAP. XXIII.

*An act to proceed by commission of Oyer and Terminer against such persons as shall confess treason, &c. without remanding the same to be tried in the shire where the offence was committed.*

**F**ORASMUCH as divers and sundry persons, upon great grounds of vehement suspicions, as well of high treason, petty treason, and misprisions of treason, as of murders be many times sent for from divers shires and places of this realm, and other the King's dominions, to the King's majesty's great charges and expences, to be examined before the King's highness council upon their offences, to the intent that conviction or declaration of such persons should speedily ensue, as the merits of their cases should require: (2) and albeit that after great travel taken in the examinations of such persons, it appear to the said council by confession, witness, or vehement suspect, that such persons be rather guilty of such offences whereof they be so examined, than otherwise; yet nevertheless such offenders, so examined, by the course of the common law of this realm, must be indicted within the shires or places where they committed their offences, and also tried by the inhabitants or freeholders of such shires and places, although by their confessions, or sufficient witness, their offences be certainly known to the King's council; (3) by reason whereof, beside the travel and pains of the King's majesty's council in such cases, the King's highness is oftentimes put to great charges and expences, in remanding such persons to the countries where they offended, there to be indicted and tried of their offences; (4) and sometime the inhabitants and freeholders of the shires or places where such offences were done, be compelled to appear out of their shires and places for such causes, to their great charges, for the trial or declaration of such offences; (5) and sometime, by occasion of the charges for remanding of such offenders to be indicted and tried by the course of the common law, such offenders lie still in prison, and be forgotten, whereby many times, by help of their confederates, they escape unpunished, to the great courage and evil example of evil-doers:

The inconveniencies ensuing the remanding persons suspected of treason, &c. to be tried in the counties where they offended.

(6) be

Cases of treason, &c. which may be tried in any county by the King's commission.

1 Anderf. 104.  
3 Inst. 27.

(6) be it therefore enacted by the King our sovereign lord, and by the assent of the lords spiritual and temporal, and the commons, of this present parliament assembled, and by authority of the same, That if any person or persons being examined before the King's council, or three of them, upon any manner of treasons, misprisions of treasons, or murders, do confess any such offences, or that the said council, or three of them, upon such examination, shall think any person so examined to be vehemently suspected of any treason, misprisions of treasons or murder; that then in every such case, by the King's commandment, his Majesty's commission of *Oyer and Terminer*, under his Highness great seal, shall be made by the chancellor of *England* to such persons, and into such shires or places, as shall be named and appointed by the King's highness, for the speedy trial, conviction or delivery of such offenders; (7) which commissioners shall have power and authority to enquire, hear and determine all such treasons, misprisions of treasons and murders, within the shires and places limited by their commission, by such good and lawful persons as shall be returned before them by the sheriff or his minister, or any other having power to return writs and process for that purpose, in whatsoever other shire or place within the King's dominions, or without, such offences of treasons, misprisions of treasons or murders so examined were done or committed, and that in such cases no challenge for the shire or hundred shall be allowed.

Savil 57.  
Challenge for want of freehold.

2 Anderf. 107.

Trial by peers.  
No peremptory challenge in high treason or misprision of treason.

Dyer 132, 286.  
11 Co. 63.

3 Inst. 27.  
Altered by 1 & 2 Ph. & M.  
c. 10.

II. Provided that upon the trial of such treasons, misprisions of treasons, and murders, the challenge to any juror, for lack of freehold of the yearly value of forty shillings, shall be allowed as hath been accustomed.

III. Provided also, That if any the peers of the realm shall happen to be indicted of any the offences aforesaid, by virtue of any such commission to be granted by authority of this act, yet nevertheless they shall have their trial by peers, in like manner and form as heretofore hath been used; any thing in this act contained, or any thing to be done by virtue thereof, in any wise notwithstanding. (2) and it is ordained and enacted by authority aforesaid, That peremptory challenge shall not from henceforth be admitted or allowed in any cases of high treason, nor misprision of high treason.

#### CAP. XXIV.

*An act that none shall be justice of assise in his own country, &c.*

8 R. 2. c. 2.  
13 H. 4. c. 2.

**W**HERE in the parliament holden in the eighth year of King Richard the Second, it was enacted, ordained and established, That no man learned in the laws of this realm should from thenceforth be justice of assise in the country where he dwelleth; (2) and that the chief justice of the common place should be from thenceforth assigned, among other justices, to the taking of the said assises; (3) but as to the chief justice of the King's bench, there should be done and used as hath been used for the most part by the space of one hundred years next before, as by the said act more at large it doth and may appear: (4) since

since the making of which said good act and law, divers justices and men learned in the laws of this realm, by their own means, industry and policy, and for their own commodity and ease, have obtained, contrary to the form of the said act, to be justices of assises in the countries and counties where they were born or were inhabiting, whereby some jealousy of their affection and favour toward their kindsmen, alliance and friends within the said countries or counties where they were so born or inhabiting, hath been conceived and had against them by the King's most loving subjects of the same countries and counties :

The reasons for making of this statute.

II. For reformation whereof, the King's most loving subjects and the commons in this present parliament assembled, most humbly beseech and desire the King's majesty, and that it may be enacted by the King's majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no justice nor other man learned in the laws of this realm, shall at any time from or after the feast of *Easter* next coming, use nor exercise the office of justice of assise within any county where the said justice was born or doth inhabit, (2) upon pain to forfeit for every offence done contrary to the form of this present act, one hundred pounds; the moiety whereof to be to our sovereign lord the King, and the other moiety thereof to the party that will sue for the same in any of the King's courts, by bill, plaint, information, action of debt or otherwise, in the which suit no protection, essoin, nor wager of law shall be admitted nor allowed.

No man shall be justice of assise in the county where he was born or doth dwell. Explained by 12 Geo. 2. c. 27.

III. Provided alway, and be it further enacted by the authority aforesaid, That this act, or any thing herein contained, shall not extend, be construed or interpreted, to touch or concern any person or persons that now are, or hereafter shall be, clerk or clerks of assises, and shall be associate to any justice of assise, of or in any county, city or town, within this realm of *England*, wherein the same person or persons, clerk or clerks so associate, do dwell or were born; (2) but that all and every clerk and clerks of assises, which now do exercise or occupy, or hereafter shall exercise or occupy any office of clerkship of assises, shall and may exercise and occupy the same in any county, city or town, wherein the same clerk or clerks of assises do dwell or were born; any thing in this act contained to the contrary notwithstanding.

This statute doth not extend to the clerk of assise.

IV. Provided also, That these terms, *justices of assises, or other persons learned in the laws of this realm*, shall not extend or in any wise be interpreted to any mayors, sheriffs, recorders, stewards, bailiffs, sewters or other officers, being born or dwelling within any city, borough or town within this realm of *England*, but that they may be justices of assises of fresh force, or of other assises in the same city, borough or town where he or they do or shall dwell, or were born, as they or any of them before this time have or might have been, to all intents and purposes; any thing in this act contained to the contrary notwithstanding.

Officers of cities or corporate towns.

Justices of  
both benches.

V. Provided always, That this act, nor any thing therein contained, shall be prejudicial to any justice or justices of the one bench or the other, for taking, hearing or determining, assises in the said courts, in the one bench or the other, nor to any justice that shall take any assise by or upon adjournment for difficulty of the same.

No clerk of assise shall be of counsel with any person in that circuit.

VI. Provided alway, and be it enacted, That any clerk of assise during the only time of the session of or for any assise or assises, or of or for any *nisi prius*, shall not be of counsel with any person or persons within any circuit whereof he shall be clerk of assise, otherwise than to that office only appertaineth, (2) upon pain to forfeit for every time offending contrary to this statute, ten pounds; the one moiety thereof to be to the King our sovereign lord, and the other moiety to the party grieved, to be sued in any of the King's courts of record, by action of debt, bill, plaint, information or otherwise, in which suit no essoin, protection, wager of law, or other dilatory plea, shall be admitted or allowed.

The justices, justice clerks, and clerks of assise in the county of Lancaster.

VII. Provided also, and be it enacted by the authority aforesaid, That this act or any thing therein contained, extend not unto the justices, justice clerks, or clerk of assises, within our sovereign lord the King's duchy and county palatine of *Lancaster*, nor to any of them that now be, or hereafter shall be; but that the same justices, justice clerks, and clerk, and every of them, shall and may execute their offices, and every of them, in such manner and form as they, or any of them, have used to do before the making of this present act; this act or any thing therein contained to the contrary thereof notwithstanding.

#### CAP. XXV.

The children of *Thomas Points*, *William Castelin* and *John Dimmock*, born beyond the sea, shall be reputed natural subjects, and enabled to enjoy land by descent or purchase, to sue and be sued.

#### CAP. XXVI.

A repeal of certain fraudulent deeds, estates, wills and conveyances made by Sir *John Shelton*, of lands in *Norfolk* and *Sussex*, to defeat the King and others of wardship, primer seisin, relief, &c. and he adjudged to die seised of such estate in those lands, as he was before the said conveyances made.

#### CAP. XXVII.

*The bill for leases of hospitals, colleges, and other corporations.*

Leases of hospitals, &c. good with consent of the more part.  
Dyer 247.

**A**LBEIT that by the common laws of this realm of England, all assents, elections, grants and leases had, made and granted by the dean, warden, provost, master, president, or other governor of any cathedral church, hospital, college or other corporation, by whatsoever name they be incorporate or founded, with the assent and consent of

of the more or greater part of their chapter, fellows or brethren of such corporation, having voices of assent thereunto, be as good and effectual in the law to the grantees and lessees of the same, as if the residue or the whole number of such chapter, fellows and brethren of such corporation, having voices of assent, had thereunto consented and agreed: (2) yet the said common laws notwithstanding, divers founders of such deanries, hospitals, colleges and corporations within the said realm, have upon the foundation and establishment of the same deanries, hospitals, colleges and other corporations, established and made, amongst other their peculiar acts, local statutes and ordinances, that if any one of such corporation, having power or authority to assent or disassent, should and would deny any such grant or grants, that then no such lease, election or grant should be had, granted or leased; and for the performance of the same, every person having power of assent to the same, have been and be daily thereunto sworn, and so the residue may not proceed to the perfection of such elections, grants and leases, according to the course of the common laws of this realm, unless they should incur the danger of perjury: (3) For the avoiding whereof, and for the due execution of the common law universally within this realm, and every place, in one conformity of reason to be used; be it ordained, established and enacted, by the authority of this present parliament, That all and every peculiar act, order, rule and estatute heretofore made or hereafter to be made by any founder or founders of any hospital, college, deanry or other corporation, at or upon the foundation of any such hospital, college, deanry or corporation, whereby the grant, lease, gift or election of the governor or ruler of such hospital, college, deanry or other corporation, with the assent of the more part of such of the same hospital, college, deanry or corporation, as have or shall have voice of assent to the same, at the time of such grant, lease, gift, or election hereafter to be made, should be in any wise hindered or let by any one or mo, being the lesser number of such corporation, contrary to the form, order and course of the common law of this realm of England, shall be from henceforth clearly frustrate, void and of none effect; (4) and that all oaths heretofore taken by any person or persons of such hospital, college, deanry and other corporation, shall be, for and concerning the observance of any such order, estatute or rule, deemed void and of none effect; (5) and that from henceforth no manner person or persons of any such hospital, college, deanry or other corporation, shall be in any wise compelled to take any oath for the observing of any such order, estatute or rule, (6) upon the pain of every person so giving such oath, to forfeit for every time so offending, five pounds; the one moiety thereof to be to the use of our sovereign lord the King, and the other moiety thereof to any of the King's subjects which will sue for the same in any the King's courts of record, by action of debt, bill, plaint, information or otherwise; wherein the defendant shall not be admitted to wage his law, nor any protection nor essoin, or any other dilatory plea admitted or allowed.

In corporations none shall have a negative voice.

An oath shall not be observed, which is taken contrary to this statute.

## CAP. XXVIII.

None of the following acts of this thirty-third year are on the roll.

21 H. 8. c. 13.

*An act for the chancellor of the duchy of Lancaster, and others, to have chaplains.*

The chancellor of Lancaster, &c. may retain chaplains.

Certain persons which may retain one chaplain having a benefice with cure of souls, that may be absent from his benefice.

These chaplains must sometimes resort to their cure.

**T**O the King our sovereign lord. Where in the parliament holden at Westminster in the one and twentieth year of your most gracious reign, it was amongst other things ordained and provided, That certain honourable persons, and other of your Highness's counsellors and officers, as well spiritual as temporal, should and might have chaplains beneficed with cure, to serve and attend upon them in their houses, (2) which chaplains should not incur the danger of any penalty or forfeiture made or declared in the same parliament for non-residence upon their said benefices, or for obtaining licences or dispensations of pluralities, (3) in which act is no provision made for any the head officers of your Grace's several courts of your duchy of Lancaster, the courts of augmentations of the revenues of your Highness's crown, the first-fruits and tenths, the master of your Majesty's wards and liveries, the general surveyors of your Grace's lands, and other your Grace's courts.

II. In consideration whereof, it may please your Majesty that it may be enacted by your Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the chancellor of the said court of the duchy of Lancaster, the chancellor of your Highness's court of augmentations, the chancellor of your Grace's court of first-fruits and tenths, the master of your Highness's wards and liveries, and every of your Grace's general surveyors of your Highness's lands, the treasurer of your Grace's chamber, the treasurer of your Highness's court of augmentations, and the groom of your Grace's stole, and every of them for the time being, shall and may retain singularly to every of them in his house, or attendant unto his person, one chaplain having one benefice with cure of souls, which may be absent from the said benefice, and non-resident upon the same; the said estatute made in the said twenty-first year of your most gracious reign, or any other estatute, act or ordinance made to the contrary in any wise notwithstanding.

III. Provided alway, and be it enacted by authority aforesaid, That every of the said chaplains so being beneficed as aforesaid, and dwelling with any the officers aforesaid named, shall personally repair two times in every year at the least to his said benefice and cure, and there to tarry and abide by the space of eight days at every such time at the least, to visit and instruct his said cure, (2) upon the pain to forfeit for every time so failing, xl. s. the one moiety thereof to the King our sovereign lord, the other to such as will sue for the same by action of debt, bill, plaint or information in any of the King's courts of record, in which suit no esoin, protection or wager of law shall be allowed.

CAP.

## CAP. XXIX.

Religious persons which were removed from one corporation <sup>31 H. 8. c. 6.</sup> to another, enabled to inherit, purchase, sue and be sued. <sup>3 Co. 74.</sup>

## CAP. XXX.

All leases, grants and other writings to be made by the bishop of *Coventry* and *Lichfield* for the time being, in writing under his seal, of any his lands, offices, fees, &c. and confirmed by the dean and chapter of *Lichfield* in writing under their chapter seal, shall be good in law to bind in succession the successors of the said bishop: (2) and the dean and chapter of *Lichfield* shall be for ever the entire and sole chapter of the said bishoprick of *Coventry* and *Lichfield*, whereof the prior and convent of the dissolved priory of *Coventry* were heretofore the moiety or half part.

## CAP. XXXI.

The diocese of *Chester*, and the diocese of *Man* in the isle of *Man*, shall be united to the province and archbishoprick of *York*, and shall be dissevered from the archbishoprick of *Canterbury*.

## CAP. XXXII.

The church of *Whitegate* in the county of *Chester* shall be a parish church of itself, and no part of the parish of *Over*. (2) There shall be a vicar there to be named by the King, &c. which shall have perpetual succession, and be called vicar of the parish church of our blessed Lady the Virgin of *Whitegate*, and by that name shall sue and be sued.

## CAP. XXXIII.

A repeal of the statute of 27 H. 8. c. 3. concerning exactions taken by the mayor of *Kingston upon Hull*; but it shall be lawful for the mayor there and his officers to take of all fishermen for every last of herrings of every person privileged, xx. d. and for every hundred of salt-fish, iv. d. and for every last of sprats, viij. d. And every person not privileged, for every last of herrings, ij. s. iv. d. and for every hundred of salt-fish, iv. d. and for every last of sprats, vii. d. as they did before <sup>5 El. c. 4. c. 1.</sup> the said statute.

## CAP. XXXIV.

A revocation of two fairs or marts, which the King by his letters patents, dated *septimo die Martij, anno 29.* of his reign, granted unto the mayor and burgeses of *King's Lynn* in the county of *Norfolk*.

## CAP. XXXV.

The mayor of the city of *Glocester*, and the dean of the cathedral church there, may convey water in pipes of lead, gutters and trenches, from *Marstones Hill*, and from time to time repair them, satisfying the owners of the ground there for the digging thereof.

## C A P. XXXVI.

An act for repairing of *Canterbury, Rochester, Stamford*, and divers other towns.

## C A P. XXXVII.

The honour of  
*Ampthill*.

All manors, parks, messuages, lands, tenements, sites of monasteries and other hereditaments of the King's, lying in the towns and parishes of *Ampthill, Milbroom, Fleetwick, Maulden, Stipingley, Westoning, Houghton, Congest, Wishamsted, Littelington, Husbandrauley, Risemond cum Sagon, Aspley, Geys, Cliphill, Caynoo, Shefford, Cranfield, Pollox-hill, Harlington, Tedington, Barton, Sbitlington, Chalgrave, Mariston, Wooburn, Evershall, Milton, Brain, Warden, Elstow, Caudewell, Donistable, Salford, Halcoote, Bedford, Wotton, Kempston*, and the manor of *Colmeworth* in the county of *Bedford*, or else in the hamlets, towns or parishes of *Newport-Pannel, Tikforth, Mols, Great Lidforth, Little Lidforth, Stewkley, Little Brickhill, Bow Brickbill, Wavingdon, North Crauley* and *Swanburne* in the county of *Buckingham*, shall be perpetually annexed to the manor of *Ampthill*, and be taken as parcel of the same manor; and the same manor, with the other manors, lands, &c. shall be called the Honour of *Ampthill*, which honour shall be within the order and survey of the court of augmentations.

## C A P. XXXVIII.

The honour of  
*Grafton*.

The King's hundreds of *Wimbersley* and *Alfords How*, and his forests of *Whittlewood* and *Sawcey*, and his chafes of *Yardley* and *Whaddon*, and all his manors, parks, sites of monasteries, lands, tenements and hereditaments, lying within the towns, hamlets and parishes of *Grafton, Hartwell, Ashton, Rood, Cortnall, Alderton, Stoke, Brewern, Sbittil-anger, Shoreley, Blisworth, Milton, Malleworth, Tiffild, Pallispere, Tossetour, Eif-ton, Hulcot, Abthorp, Foscot, Greinsnorton, Blackesley, Wooden, Colchibham, Grimscot, Parset, Escot, Ascot, Dalescot, Bugbroke, Ruddistrip, Collingthbrigh, Hardingston, Wotton, Quinton, Slop-ton, Densanger, Yardley, Potterspere, Furthoo, Colgrove, Castle Asbby, Wiken, and Delaprey* in the county of *Northampton*, and in the hamlets, towns and parishes of *Luffield, Hansap, Castle-Thorp, Harsham, Shenley, Little Harwood, Snellso, and Little Lidforth* in the county of *Buckingham*, and elsewhere within the realm of *England*, belonging or appertaining to any manors or hundreds, lying or being in any of the towns or parishes above mentioned, shall be annexed to the manor of *Grafton*; and the said manors and other the premises shall be called perpetually the Honour of *Grafton*, and shall be in the order and survey of the court of augmentations; saving so much thereof as is within the duchy of *Lancaster*, or county palatine of *Lancaster*.

## C A P. XXXIX.

*The erection of the court of surveyors of the King's lands, the names of the officers there, and their authority.*

The court of the general surveyors of the King's lands shall be a court of record, and shall have a privy seal, of which court shall be officers, the King's general surveyors, a treasurer, viz. the treasurer of the King's chamber for the time being, an attorney, the master of the woods, auditors, receivers, a clerk of the court, an usher, a messenger; their several oaths, duties and authorities. All lands only mentioned in a schedule, signed or to be signed with the King's sign manual, shall be in order and governance of the said court. 4 Inst. 122. Altered 1 M. sess. 2. c. 10.

L. And where divers and sundry obligations and specialties heretofore have been made to divers persons, part of them to the use of 7 Co. 19, 20, 21.

King Henry the Seventh, father of our now most gracious sovereign lord, and part of them to the use and behoof of our said now sovereign lord; (2) Be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all obligations and specialties, which after the first day of May next coming shall be made for any cause or causes touching or in any wise concerning the King's most royal majesty, or his heirs, or to his or their use, commodity or behoof, shall be made to his highness, and to his heirs, Kings, in his or their name or names, by these words, *Domino regi*, and to none other person or persons to his use, and to be paid to his Highness by these words, *Solvend' eidem domino Regi, hered', vel executoribus suis*, with other words used and accustomed in common obligations; (3) and that all such obligations and specialties so to be made, shall be good and effectual in the law to all purposes and intents, and shall be of the same nature, kind, quality, force and effect, to all intents and purposes, as the writings obligatory taken and knowledged according to the statute of the staple at Westminster hath at any time before the making of this present act been taken, used, exercised, and executed against any lay person or persons; any law, usage or custom to the contrary thereof notwithstanding. Godb. 289. pl. 416. Savil 15. Br. Prerog. 716. Obligations made to the King shall be in the nature of a statute staple, and shall be made Domino regi, &c. 13 & 14 Car. 2. c. 16.

LI. And that all such obligations and specialties, the debt whereof not being paid nor contented in the life of the King, shall come, remain, and be to the heirs or executors of the King, at the free liberty, disposition, assignment, and appointment of the same King, to whom such obligations or specialties shall be made, as is aforesaid. And if any person or persons, in his or their own proper person or persons, after the said first day of May, make or take any obligation or obligations to the use of the King's majesty, or of his heirs, Kings, otherwise than is before expressed; that then such person or persons only, that shall so offend contrary to this present act, for his or their so doing shall have and suffer such imprisonment, as shall be assessed who shall have the King's specialties after his death.

*Rege Chamberlans  
11th & 12th 1546  
as to liberties & commons*

assessed and adjudged by the King, or his most honourable council daily attendant upon his Highness most royal person.

All suits for the King's debts to be in his own name.  
2 Leon. 33, 90.

LII. And that all suits to be made after the first day of *April* next coming, for the recovery of or for any the King's debts, in any of the King's courts mentioned in this act, of or upon any obligation or specialty dated or delivered before the making of this present act, or which shall be dated and delivered to the King, or to his use, afore the second day of *May* next coming, shall be taken, sued and pursued in the name of the King, and in the name of none other person or persons, to whatsoever person or persons the said obligations or specialties, or any of them be, have been, or shall be made to the King's use.

Process, judgment and execution for the King to be in the nature of the statute staple.

LIII. And that all suits, process, judgments, decrees, and executions hereafter to be taken, pursued, or given for the King in any the King's courts mentioned in this act, of or upon any of the same obligations last afore mentioned, shall be of the same or like strength, force, effect and intent in the law to all purposes, only against all and all manner such person and persons as been bound in such obligations or specialties, as well spiritual as temporal, as against their heirs, successors, executors and administrators, and every of them, and against none other, as writings obligatory taken and acknowledged according to the statute of the staple at *Westminster*, at any time before the making of this present act, have been used to be taken, exercised, and executed against any lay person or persons.

The King in all suits for debt shall recover his costs and damages.

LIV. And that the king in all suits hereafter to be taken in or upon any obligation or specialties made or hereafter to be made to the King, or any to his use, shall have and recover his just debts, costs and damages, as other common persons use to do in suits and pursuits for their debts. (2) And that all such suits as now be depending in the name of any common person to his Grace's use, whereof no verdict is, or before the feast of *Easter* next coming shall be given or passed, or no *exigent* awarded, shall abate, be void, and of none effect; and nevertheless the King, by the authority aforesaid, shall have his suit and remedy for the said debt so being in action and process, in form as is aforesaid, in any of the courts in this act mentioned; any thing in this act to the contrary thereof notwithstanding.

Suits for the King's debts shall be in the courts where they shall be due.

Crompt. Jurif. 106.

LV. And it is further enacted by the authority abovesaid, That all and every suit and suits, which hereafter shall be had, made, or taken of, for or upon any debt or duties, which heretofore hath grown or been due, or that hereafter shall grow or be due to the King, in the several offices and courts of his exchequer, duchy of *Lancaster*, augmentations of the revenues of his crown, surveyors general of his manors, lands and tenements, master of the wards and liveries, and court of the first-fruits and tenths, or in any of them, or by reason or authority of any of them, shall be severally sued in such one of the said courts and offices, in the which court and office, or by reason of the which court and office, the same debt or duty did first grow or become to be due, or hereafter shall grow or become due,

due, or in the which office or court the recognisance, obligation, or specialty is or shall be or remain. (2) And every such several  
 suit and suits shall be made in every of the said several offices  
 and courts, under the several seals of the said several courts,  
 by *Capias*, *Extendi facias*, *Subpoena*, attachments and proclama-  
 tions of allegiance, if need shall require, or any of them, or  
 otherwise, as unto the said several courts shall be thought by  
 their discretions expedient for the speedy recovery of the King's  
 debts.

Process that  
 shall be award-  
 ed in the said  
 several courts  
 for the recovery  
 of the  
 King's debts.

LVII. And that the said court of exchequer, and all and  
 every of the said courts, shall have whole and full authority  
 and power to hear and determine all and every such suit and  
 suits as hereafter shall be taken, commenced and pursued for the  
 intent above specified, and thereupon to award, make and do  
 execution by and upon the body, lands and goods of the party  
 or parties that shall be so condemned accordingly.

LVII. And also shall have full power and authority to hear  
 and determine all and all manner of debts, detinues, trespasses,  
 accompts, reckonings, wastes, deceits, negligences, defaults,  
 contempts, complaints, riots, quarrels, suits, strifes, contro-  
 versies, forfeitures, offences, and other things whatsoever they  
 shall be, which hereafter shall grow, be moved, stirred, procured,  
 pursued or arise, in, for or upon any matter, cause or  
 thing assigned, committed or appointed, or hereafter to be assign-  
 ed, committed or appointed to the several directions, orders and  
 governances of the same courts, or any of them, or for or up-  
 on any manner of thing or things which may or shall touch, or  
 in any ways concern the same wherein the King shall be only  
 party; (2) and also all manner of states for term of years be-  
 tween party and party concerning the premises; (3) and to  
 correct and punish by their discretions all and every person and  
 persons, which before them shall be convicted of any of the pre-  
 mises, according to the nature, quality and quantity of his or  
 their offence or offences, cause or causes, matter or matters,  
 all and all manner of treasons, murders, felonies, estates,  
 rights, titles and interests, as well of inheritance as of freehold,  
 other than jointures for term of life only excepted and always  
 reserved.

The authority  
 of the courts  
 of exchequer,  
 wards and  
 duchy.

LVIII. And be it enacted by the authority aforesaid, That  
 if any person or persons shall make or pretend any claim, right,  
 title, interest or possession in or to any manors, lands, tene-  
 ments or hereditaments, bargained, sold or exchanged, or here-  
 after to be bargained, sold or exchanged by the King our sovereign  
 lord, to any person or persons in fee-simple or fee-tail, by his  
 Highness letters patents, made or to be made thereof under  
 the great seal of *England*, upon which letters patents there is or  
 shall be reserved any annual rents or farms payable to the King's  
 highness, his heirs or successors, in his said court of augmen-  
 tations; (2) or demand or ask any rents, annuities, offices,  
 fees or other profits, in, out, or of any such manors, lands,  
 tenements or hereditaments, contained or to be comprised in  
 any

Title pretend-  
 ed to lands  
 sold or ex-  
 changed by  
 the King.

The King  
pretending  
title to any  
lands by him  
sold or ex-  
changed.

The King de-  
manding rents  
or profits out  
of such lands.

any such letters patents, made or hereafter to be made, as is aforesaid: (3) or if our said sovereign lord, his heirs or successors, shall make or pretend any claim, right, title, interest, or possession in or to any manors, lands, tenements or hereditaments bargained, sold or exchanged, or to be bargained, sold or exchanged by the King, his heirs or successors, to any person or persons in fee-simple or fee-tail, by his or their letters patents thereof made, or hereafter to be made, under his or their great seal of *England*, upon which letters patents is or shall be reserved any annual rents or farms payable, or which shall be payable to the King, his heirs or successors, in his said court of augmentations; (4) or if the King, his heirs or successors, demand or ask any rents, annuities or other profits or hereditaments of any estate of inheritance, in, of, or out of any manors, lands, tenements or hereditaments contained or comprised, or to be contained or comprised, appointed or to be appointed or assigned to the said court of augmentations, in any letters patents made, or hereafter to be made as is aforesaid; (5) that then the chancellor of the said court of augmentations, by the assent of the council of the said court, or the more part of them, shall have power and authority, by authority of this act, to examine all such demands, rights, titles, interests and possessions, rents, annuities, offices, fees, and other profits and hereditaments, whatsoever they shall be, and every of them so to be demanded, pretended, claimed or asked as is aforesaid, and by witness, proofs and other ways and means by their discretions, to hear and determine the same. (6) And in case the King's patentees in any such letters patents as is aforesaid, or any of them, their heirs, successors or assigns, shall be compelled by the authority of the said court of augmentations, by decree or judgment of the same court, to render and yield to any person or persons, in fee-simple or fee-tail, the lands, tenements or hereditaments comprised or specified in any such letters patents, or any parcel of them, or to suffer any person or persons to have and enjoy any offices, rents, annuities, or other profits or hereditaments in fee-simple or in fee-tail, out or of the same, or out of any parcel thereof; (7) and that it shall appear in the said letters patents, that the King, his heirs or successors, is or shall be bounden, or of right and equity ought to recompense and satisfy the said patentees, their heirs, successors, executors or assigns, or any of them, of and for such manors, lands, tenements or hereditaments, annuities, rents, offices, fees, or other profits recovered in fee-simple or fee-tail, by decree or judgment of the said court as is aforesaid, or else to discharge and acquit the said patentees, their heirs, successors, executors and assigns, of or for any rents, annuities, offices, fees, or other profits aforesaid, recovered by decree or judgment in fee-simple or fee-tail as is aforesaid: (8) or if it shall appear unto the said court of augmentations, or unto the more part of them, that the King, his heirs or successors, of right and equity ought to have, recover or enjoy in fee-simple or fee-tail, any manors,

manors, lands, tenements or hereditaments, in any such letters patents comprised, or rents, annuities, offices, fees or other profits, in, out or of the same; (9) that then, in all and every such case and cases, the said chancellor of the augmentations for the time being, with the assent of three or more such persons as hereafter shall be named by the King, his heirs or successors, shall have full power and authority, without any bill or warrant to be signed or sued from the King, his heirs or successors, for the same, as well to recompense and satisfy the party or parties grieved, so much in money of the King's treasure remaining in the said court of augmentations, as the said manors, lands, tenements, rents, annuities, offices, fees, or other profits or hereditaments lost or recovered by decree or judgment of the said court of augmentations as is aforesaid, shall be worth to be sold, or otherwise discharge and acquit such person or persons thereof, according to his or their letters patents; (10) as also to make and take order, direction, decree and judgment for the King, his heirs and successors, for the recovery, attaining and having of all and singular such manors, lands, tenements, rents, annuities, offices, fees, profits and hereditaments, and all and every other thing and things, which the King, his heirs and successors, by and upon such examination and examinations, ought, should and shall be justly intituled to have, recover, possess or enjoy in fee-simple or fee-tail; (11) and the same decree, direction, order and judgment to be good and effectual in the law, to bind all parties and privies to the same to all intents and purposes. (12) And where any decree or judgment, which shall be given in the said court of augmentations for any the premisses, extend to the loss of the King's patentee or patentees, their heirs, successors, executors or administrators, but for term of life or lives of the demandant or demandants, plaintiff or plaintiffs, or for term of years, the loss whereof the King is bounden and ought to recompense, discharge, or acquit by his letters patents; then the said chancellor of the augmentations shall have full power and authority to recompense or discharge the same in money as is aforesaid, or else to recompense the same of the lands, tenements, hereditaments and possessions limited to the survey and governance of the said court of augmentations, to be granted under the seal of the same court by the discretion of the said chancellor, as shall seem to him best for the King's profit, without any bill or warrant to be sued or signed by or from the King for the same. (13) And that every such recompence, satisfaction and discharge to be made by authority of this act to any person or persons by the said chancellor as is aforesaid, shall be good and effectual against the King, his heirs and successors; any law, usage or custom to the contrary thereof notwithstanding.

In what causes the court of augmentations, without other warrant, may make recompense to any person that is wronged.

A loss extending by a decree to the King's patentee for life or years, how to be made good.

The courts erected by this act were united to the exchequer, pursuant to the powers granted 1 M. stat. a. c. 10.

LIX. And it is further enacted by the authority aforesaid, That every of the said courts shall have full power and authority by force of this act, to set such fines, penalties and amerciaments upon parties, sheriffs, officers, and other persons, for

The authority of the fore-said courts to set fines, &c. upon offenders.

4 Inst. 109,  
310.  
Trials in the  
said courts.

his and their defaults, contempts, negligences or misdemeanors, as unto the said courts, or unto any of them, shall be reasonably considered and thought expedient; (2) and that all and every trial and trials, of all and all manner of suits, bills, plaints, informations, declarations, complaints, answers, replications, allegations, causes, matters and issues, or any of them, to be pursued, made, or tried in the said several courts, or any of them, shall be made and tried by due examination of witness, writing, proofs, or by such other ways or means as by the said several courts, or by any of them shall be thought expedient; (3) and that all and every such judgment and judgments, decree or decrees, examination and examinations shall be good, perfect, and in full strength, force and effect in the law to all intents, constructions and purposes.

The chief officers of the said courts may discharge recognizances taken there.

LX. *And where divers and sundry persons stand bounden to the King's highness in divers great and notable sums of money, by recognizance or other bonds in the said several courts, for debts due to the King's highness, as well for the purchase of lands and woods, and performance of conditions, as also for divers and sundry other causes: (2) and albeit the same persons have well and truly satisfied, contented, and paid the same debts, or performed the conditions of the same recognizances, or other bonds, yet the same recognizances, or other bonds, cannot be made void without the King's especial warrant, which should be much unquietness to the King's majesty, and also very chargeable to his Grace's subjects to sue to his Highness from time to time for the same: (3) In consideration whereof, and forasmuch as the said persons being so bounden by recognizance, or in other bonds, may by divers casualties lose their acquittances, whereby great danger and peril may grow to them, their heirs, executors and successors: (4) Be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That upon the sight of the acquittances, made or to be made for the payment of the said debt or debts, or sum or sums of money grown or to be grown, or due, and sufficient proof made, or hereafter to be made, before the said several head officers for the time being of the said several courts, as the case shall rise or grow, or if the condition of the same recognizance or bond be performed or kept; that then every such several head officer for that recognizance taken, or to be taken by him, or any of his predecessors, or of any other bond for that time being within his charge and curé, shall have full power and authority to cancel and make void the said recognizance or other bond, calling to him such of the same court as to him or them shall seem most convenient for the cancellation of the same recognizance or bond.*

LXI. *And be it enacted by the authority aforesaid, That the same cancellation so made shall be a sure and sufficient discharge of the same recognizance or other bond, to all and every such person or persons, as do or shall stand bounden in the same recognizance*

cognizance or bond so cancelled, against the King's highness, his heirs, executors and successors for ever.

LXII. And be it further enacted by the authority aforesaid, That the same several head officers for the time being, in every of their said several courts, shall have full power and authority to discharge, cancel or make void, by his or their discretion, all and singular recognizances now made, or hereafter to be made in the said court, for any appearance or other contempt; and that the same head officer or officers, and the parties so bounden and to be bounden, to be discharged against the King our sovereign lord, his heirs, executors and successors, for the cancellation of the same recognizance.

Discharging of recognizances taken for appearance or contempt.

LXIII. And where the King's majesty sithen the making of the same statute in the said twenty-seventh year of his noble reign, of his own meer motion, liberality and benignity, hath freely given and granted by his sundry letters patents under his great seal of England, unto divers and sundry of the nobles and lords, as well spiritual as temporal, of this his realm, and also unto divers and many other persons and bodies politick, to their heirs or successors, and to the heirs of their bodies, or for term of life or lives, divers and many sundry honours, castles, manors, lands, tenements, rectories, pensions, portions and other hereditaments, which then were in the order, governance and survey of the same court of the augmentations of the revenues of his Grace's crown, or out of any other of the said several courts, reserving unto his Majesty, his heirs and successors, by the same letters patents, one yearly rent in the name of one tenth, or the tenth part of the yearly value of the same premisses, or any other tenth payable and to be paid in the same courts, or to the officers of the same courts deputed and assigned for the same, at one certain feast or day in the same letters patents mentioned and declared; (2) which said persons so advanced, notwithstanding they have sithen and after the making of the same letters patents peaceably enjoyed the same manors, lands, tenements and hereditaments so given, and thereof have quietly perceived and taken the issues, revenues and profits thereof; yet nevertheless divers of the same persons have not, at the days and feasts assigned and limited unto them in the same letters patents, nor yet in long time after the same days and feasts of payment thereof, contented and paid in the same courts, or to the officers of the same courts assigned and deputed for the same, the said yearly rent or rents so reserved to the King's highness, contrary to their duties, and against all reason and good conscience: (3) In consideration whereof, be it therefore now ordained, enacted and established by the assent of the King's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person of what estate, degree or condition soever he be, or body politick, to whom the King's majesty hath by his letters patents under his great seal of England, or under the great seal of the same court of augmentations, given or granted, or hereafter shall give or grant, with like reservation of rent or rents, any manors, lands, tenements, rectories or other hereditaments whatsoever, which

27 H. 8. c. 27.

A remedy for  
tithes not paid  
issuing forth of  
abbey lands  
given by the  
King to  
others.

The penalty  
for default of  
payment at  
the day as-  
signed, or  
within three  
months after.

The penalty  
for default of  
payment  
within a year.

which were or hereafter shall be in the order, governance and survey of the same courts, or any of them, to be had to them and their heirs or successors, or for any other estate of inheritance, or for term of life or lives, yielding and reserving to the same our said sovereign lord the King, his heirs or successors, one yearly rent at one certain day or feast in the same letters patents expressed, mentioned and declared, and to be paid into the same courts; that if the same persons, bodies politick, their heirs or successors, or assigns, or any of them, do not truly content or pay, or cause to be contented or paid unto the treasurer of the said several courts, or to the general or particular receiver of the same several courts, deputed and assigned for the same for the time being, to the use of the King's highness, at the day or feast limited by the same letters patents, or within three months next and immediately after the same day or feast of payment thereof, all such sums of money, which been or hereafter shall be due, referred to the King's majesty, his heirs and successors, by the same letters patents, or by any of them, or make sufficient tender thereof to the said treasurer, or general or particular receiver; that then every of the same persons, bodies politick, their heirs, successors or assigns, for lack and default of payment of the same rent, to forfeit and lose to the King's majesty, his heirs and successors, as much money as the fourth part of the same rent so reserved, or hereafter to be reserved for one year, doth or shall amount unto, for and in the name of one pain, over and above the same rent reserved, or hereafter to be reserved. (4) And if it happen the same persons, or bodies politick, their heirs, successors or assigns, or any of them, do not, within one half year next after the day or feast expressed in the same letters patents, content or pay, or lawfully tender unto the same treasurer, or general and particular receiver, to the use of the King's majesty, his heirs or successors, as well the said yearly rent so reserved, or hereafter to be reserved, as also the said money forfeited for and in the name of a pain; that then the same persons, bodies politick, their heirs, successors or assigns, so offending, shall forfeit and lose to the King's majesty, his heirs and successors, so much money as the moiety or half-deal of the same rent reserved or to be reserved for one year doth or shall amount unto, over and above the said rent reserved or to be reserved; (5) and so to forfeit and lose for every half year after, so much money as the whole rent reserved or to be reserved for one whole year doth or shall amount unto, until the same rent so reserved or to be reserved, and the arrearages of the same, and also the said sums of money so forfeited and lost for a pain, been unto the same treasurer, or general or particular receiver, truly satisfied, contented and paid, to the use of the King's highness, his heirs and successors.

A further re-  
medy for the  
tenth, and

LXIV. And be it also enacted by the authority aforesaid, That it shall be lawful to the same treasurer, and general or particular receiver, to distrain as well for the same rent so reserved or

to be reserved, and for the arrearages of the same, as also for the said sums of money so forfeited or to be forfeited and lost, for and in the name of the pain aforesaid: (2) and also the head officer or officers of either of the same courts for the time being, upon certificate to him made or to be made of the same default and contempt, shall and may award such process out of the same courts against the same offender for not paying of the said rent so reserved or to be reserved, and also for the same sums of money forfeited and to be forfeited by this act, as by his or their discretion shall seem convenient.

LXV. And be it also enacted by the authority aforesaid, That if any person or persons hereafter make lawful payment to any of the said treasurers, or general or particular receivers of any of the same courts, deputed and assigned for the same, of any sum or sums of money due to the King's highness, his heirs or successors, for any yearly rent or tenth, and upon or after such payment offer unto the same treasurer, or general or particular receiver, one lawful and sufficient acquittance ready made, to be assigned by the same treasurer, or general or particular receiver, witnessing the receipt of the said sum or sums of money so paid; that then the said treasurer, general or particular receiver, shall with his own hand assign the same acquittance without taking any fee or reward for the making of the same acquittance, (2) upon pain to forfeit and lose for every time offending contrary to this act, forty shillings; one moiety thereof to be to the King's highness, and the other moiety to the party that will pursue for the same; (3) and if the parties which hereafter shall happen to pay to the same treasurer, or general or particular receiver, any such sum or sums of money, and do not bring an acquittance with him to be assigned, as is before said; that then if the same treasurer, or general or particular receiver, upon request to him made, shall make and deliver unto the same party one sufficient acquittance, testifying the same receipt, that then the same treasurer, or general or particular receiver, or any of his clerks, shall receive or take of the same party for the making of the said acquittance, not above four-pence, (4) upon pain to forfeit for every such acquittance twenty shillings, for which he or they shall happen to take above the said sum of four-pence, to be recovered as is before said, that is to say, the one moiety thereof to the use of the King's highness, his heirs and successors, and the other moiety thereof to the party that will pursue for the same.

LXVI. And be it also enacted, That the same acquittance shall be a sufficient discharge according to the tenor and effect of the same.

LXVII. And be it also further enacted and ordained by the authority aforesaid, That if any of the same general or particular receivers, which now be or hereafter shall be within any of the said courts, happen to pay to any person or persons any annuity, pension or other rent, that then if the same person or persons, upon the receipt thereof, deliver unto the same general or particular receiver one sufficient and lawful acquittance

money forfeited in the name of a penalty.

Acquittance for the tenth.

How much he shall pay for an acquittance which doth receive any annuity.

tance sealed and signed, testifying the same receipt, that then the same general or particular receiver shall receive the same acquittance, without taking or receiving any fee or reward for the making of the same; (2) and if the same party to whom the said general or particular receiver have so contented and paid any such annuity, pension or rent, do not bring with him one sufficient acquittance signed and sealed, testifying the receipt of the same money, by reason whereof the same general or particular receiver, by himself or his clerk, maketh one acquittance for the receipt of the same annuity, pension or rent, that then the same receiver or his clerk shall not receive or take for the making of such acquittance, which he shall so happen to make, above four-pence; upon pain to forfeit for every such acquittance which he shall happen to refuse, being ready made and offered to be delivered to him, as is abovesaid, twenty shillings; (3) and for every acquittance which he shall hereafter happen to make for any the payments aforesaid, and to receive for the making of the same acquittance above the sum of four-pence, to forfeit twenty shillings; the one moiety to the King, and the other to the party that will sue for the same; (4) and also that the same general or particular receiver, or their deputies, which hereafter shall happen to pay any such annuity, pension or rent, shall not retain or take of the party to whom he shall happen to pay the same, in the way of reward or otherwise, not above the sum of four-pence for every pound which the same general or particular receiver shall so happen to pay; (5) upon pain to forfeit vi. s. viii. d. for every peny which he or they shall happen to receive above the said sum of four-pence, for every pound which he or they shall so happen to pay; the one moiety of the said forfeiture to be to the King, and the other moiety to the party that will sue for the same; (6) and that all the said suits concerning the said forfeitures may be commenced and pursued by bill, information or action, in which suit none essoin, protection or wager of law to be admitted.

The receiver  
shall take but  
iv. d. a pound.

The auditor's  
fees for inrol-  
ments.

LXVIII. And be it further enacted, That if any person or persons hereafter happen to tender or offer unto any of the auditors of the same several courts, for the time being, any of the King's letters patents, decrees of any of the same several courts, grants, indentures of leases, as well for term of years as for term of life or lives, to be inrolled before the same auditor, according to his office; that then the same auditor, upon the same tender or offer, shall inrol the same, or as much of the same letters patents, decrees, grants or indentures, as shall appertain to his said office; (2) and if any of the same auditors, or any of their clerks, or any other to their use, or to the use of any of them, receive and take for the inrolment of any of the same letters patents, decrees, grants or indentures, or for the allowance of the same, above the sum of three shillings four-pence, that then the same auditor or his clerk, so offending, shall forfeit six shillings eight pence for every peny which the same auditors, or any of them, shall happen at any time hereafter to receive contrary to the form aforesaid; the

one

one moiety of the same forfeiture to be to the King's highness, and the other moiety to him that will sue for the same by such manner and form as is aforesaid.

LXIX. And be it also further enacted by the authority aforesaid, That every auditor of every the said several courts, yearly in every county within their said several limits, by the space of twenty days or more before their audit, shall proclaim and declare in four several markets or other places, the place and days where and when they will keep their several audits in the same shire, upon pain to forfeit for every time doing the contrary five pounds, the one moiety whereof to be to the King's highness, and the other moiety to the party that will sue for the same in form aforesaid.

Auditors shall cause proclamation to be made in four market-towns 20 days before their coming.

LXX. And that also every of the auditors of the said several courts, being severally assigned to their several limits, and every the particular receivers of the same several courts, being also severally assigned and joined with the same several auditors in their said several limits, after and between every of the feasts of St. Michael the archangel and Christmas, shall direct and award their several warrants and precepts under their seals to every of the receivers, bailiffs, reeves and other officers whatsoever accountable before the same auditors, and by the same warrant or precept to charge and command, in the name of our said sovereign lord the King, every of the said receivers, bailiffs, reeves and other officers, to appear before them at one certain day and place in the same warrant or precept to them prescribed, there to declare and make a just and true account of all such receipts whereof they be accountable and owe to account.

Auditors and receivers shall make their precepts to bailiffs, &c.

LXXI. And after if the same auditors and particular receivers do repair unto the same place, and there keep their audit according to the same proclamations, precept and warrant; that then if any receiver, bailiff, reeve or other officer, being accountable of or for any of the manors, lands, tenements or other whatsoever hereditaments now remaining, or which hereafter shall be and remain in the order, governance or survey of any of the same several courts, be lawfully warned, as well by the same proclamation, or by precept or warrant in writing sealed, and in the name of any of the auditors of the said several courts, personally to appear by himself, or by his sufficient and lawful deputy, before the same auditor and receiver, at one certain day or place in the said warrant or precept prescribed, there to make and declare a just and true account of all receipts of his said office: (2) and if the same receiver, reeve, bailiff and other officer, so being lawfully warned, do not appear before the same auditor and receiver at the same day and place in the said warrant expressed; or if the same receiver, bailiff, reeve or officer do, at the same day and place to them prescribed, appear, and will not account before the same auditor, according to the tenor and effect of the same precept and warrant; or if the same receiver, bailiff, reeve or other officer accountable, do by himself, or by his sufficient and

A remedy against accountants which make default of appearance or payment.

and lawful deputy, appear before the same auditor and receiver, and then and there enter into his or their account before the said auditor, and after the same account finished and ended, if the same receiver, bailiff, reeve or other officer, do not content and pay unto the treasurer of the same several courts, or to the general or particular receiver of the same county for the time being, as the case shall require, within three weeks next and immediately after the same account fully finished and ended, all such sums of money, which upon the determination of his said account he shall happen to be found in arrearages, and the same default and contempt being duly proved before the head officer and officers of the said several courts for the time being; that then every such receiver, bailiff, reeve or officer so offending, to forfeit and lose his said office, and also his fee which he or they had and received for the exercising of the same office.

The penalty if  
an accomptant  
do withdraw  
any rent.

LXXII. And be it also further enacted by the authority of this present parliament, That if any of the said receivers, bailiffs, reeves or other officers, upon the declaration of their said accounts, do willingly conceal and withdraw any rent, revenue, fine, heriot or other casualty whatsoever it be, of the which he ought to have made account, and the same duly proved before the said head officer or officers for the time being; that then every such receiver, bailiff, reeve or other officer so offending, to forfeit and lose his said office and fee which he had for the exercising of the same, and also three times as much as he hath so concealed and withdrawn: (2) and that the said head officer or officers of the same several courts for the time being, immediately upon certificate to him made of the same default, contempt or offence, shall award process in nature of attachment against the same receiver, bailiff, reeve or other officer, as well for the same arrearages remaining in the hands of the same receiver, bailiff, reeve or officer, as also for the penalty of their recognizance or bond in which the same receiver, bailiff, reeve or officer standeth bounden to our said sovereign lord the King, as also for the contempt and pain limited and appointed by this act.

A remedy for  
debts which  
grow to the  
King by attainder,  
outlawry, forfeiture,  
gift, &c.

LXXIII. And be it further enacted by authority aforesaid, That in all actions and suits to be taken or pursued in any the courts aforesaid, for the recovery of any debt or debts, which now be, or that hereafter shall happen to appertain, accrue, remain, or be to the King, by reason of any attainder, outlawry, forfeiture, gift of the party, or by any other collateral way or means, it shall be sufficient in the law to shew and alledge in the said suit generally, that the party to whom the said debt or debts was or did belong, such year and day did give the same debt or debts unto the King, or was attainted, outlawed, or other offence, forfeiture, deed, act, or thing committed or done, by reason whereof the said debt or debts did accrue, and ought to remain, come, and be to the King. (2) And that the same matter so to be shewed, alledged, or declared in a generality, without shewing and declaring the circumstances thereof, shall be of as good force and effect in the law to all intents,

intents, constructions and purposes, as if the whole matter thereof had been or were alledged and declared at large in every point, according to the due order of the common laws of this realm.

LXXIV. And be it also enacted by the authority aforesaid, That if any suit be commenced or taken, or any process be hereafter awarded for the King, for the recovery of any of the King's debts, that then the same suit and process shall be preferred before the suit of any person or persons: (2) and that our said sovereign lord, his heirs and successors, shall have first execution against any defendant or defendants, of and for his said debts, before any other person or persons, so always that the King's said suit be taken and commenced, or process awarded for the said debt at the suit of our said sovereign lord the King, his heirs or successors, before judgment given for the said other person or persons.

The King shall be preferred in suit and execution.  
9 H. 3. stat. 2.  
c. 18.

LXXV. And be it enacted also by authority aforesaid, That all manors, lands, tenements, possessions and hereditaments, the which now be, or that hereafter shall come or be, in or to the hands, possession, occupation, or seisin of any person or persons, to whom the same manors, lands, tenements or hereditaments have heretofore or hereafter shall descend, revert or remain in fee-simple, or in fee-tail general or special, by, from or after the death of any his or their ancestor or ancestors as heir, or by gift of his ancestors whose heir he is, which said ancestor or ancestors was, is, or shall be indebted to the King, or to any other person or persons to his use, by judgment, recognizance, obligation, or other specialty, the debt whereof is or shall not be contented and paid; that then in every such case the same manors, lands, tenements, possessions and hereditaments, shall be and stand, by authority of this act, from henceforth charged and chargeable to and for the payment of the same debt, and of every part thereof.

Tenant in fee-simple or tail to pay his ancestor's debts to the King.  
1 Roll. 94.  
2 Roll. 420.

LXXVI. And that our said sovereign lord, his heirs and successors, at any time hereafter shall not be barred, delayed, foreclosed, or excluded, to demand, have and receive his or their just, due, and lawful debts and duties against any of his subjects, as heir or heirs to any person or persons indebted to his Highness, or to other persons to his use, or which shall be indebted to his Highness, his heirs or successors, albeit this word *heir* be not or shall not be comprised in such recognizance, obligation or specialty, or that any such person or persons shall say or alledge, that he or they have not any manors, lands, tenements or hereditaments to them descended, but only such manors, lands, tenements or hereditaments, as be or shall be intailed or given to them by any their ancestors to whom they be heirs; any laws, uses or customs before this time used or had to the contrary notwithstanding.

The King's debts payable by the heir, though in the bond he be not named.  
Lane 51.

Lands intailed chargeable.

LXXVII. Provided always, That the King's majesty, his heirs and successors, may at his or their liberty and pleasure demand, have and recover his or their said debt or debts, of

The King may charge the executors or administrators.  
and Savil 13.

and against any executor or executors, administrator or administrators of any such person or persons, which is, hath been or shall be indebted in manner and form aforesaid, if the same executor or executors, administrator or administrators, shall have assets in his or their hands, in deed or in law; any thing before mentioned to the contrary notwithstanding.

The lands chargeable to the King recovered. Savil 11.

LXXVIII. Provided also, That if the said manors, lands and hereditaments, or any of them, shall hereafter be recovered or evicted out of or from the possession of any such person or persons, by any just or former title, without fraud or covin, whose manors, lands, tenements or hereditaments been or shall be charged or chargeable, as is aforesaid; that then all and every such manors, lands and hereditaments, shall be clearly acquitted and discharged of and for the payment of the same debts, and of every part thereof; any thing before mentioned to the contrary notwithstanding.

Sufficient matter pleaded in discharge of the debt. 2 Mod. 248. 7 Co. 19.

LXXIX. Provided always, and be it enacted by the authority aforesaid, That if any person or persons, of whom any such debt or duty is, or at any time hereafter shall be, demanded or required, alledge, plead, declare or shew, in any of the said courts, good, perfect and sufficient cause and matter in law, reason or good conscience, in bar or discharge of the said debt or duty, or why such person or persons ought not to be charged or chargeable to or with the same: and the same cause or matter so alledged, pleaded, declared or shewed, sufficiently proved in such one of the said courts, as he or they shall be impleaded, sued, vexed, or troubled for the same; that then the said courts, and every of them, shall have full power and authority to accept, adjudge, and allow the same proof, and wholly and clearly to acquit and discharge all and every person and persons that shall be so impleaded, sued, vexed, or troubled for the same; any thing in this present act before mentioned to the contrary notwithstanding.

Lands chargeable to the King in several mens tenures.

LXXX. Provided also, and be it enacted by the authority aforesaid, That if any manors, lands, tenements or hereditaments, which be, or at any time hereafter shall be charged or chargeable to or with the debt of our said sovereign lord, his heirs or successors, and be at any time hereafter or shall be in the seisin and possession of divers and sundry persons, other than the obligor or obligors, that then all and singular the said manors, lands, tenements and hereditaments, and every parcel of them, shall be wholly and entirely, and in no wise severally, liable and chargeable to and with the payment and payments of the said debts, of the said debt and duty; any thing before rehearsed to the contrary notwithstanding.

The liberties of the duchy of Lancaster saved.

LXXXI. Provided also, That this act, nor any thing therein contained, shall in any wise extend to minish, abrogate, or take away, any realties, liberties, privileges, franchises, preeminences, jurisdictions, fines, issues or amerciements, appertaining or belonging to the said duchy of *Lancaster*, and county palatine of *Lancaster*, or any of them; (2) but that the same liberties,

liberties, realties; privileges, franchises, preeminences, jurisdictions, fines, issues and amerciaments, and every of them, shall still continue, remain, and be to the said duchy of Lancaster and county palatine, and to every of them, as fully, wholly and plenarily, as they were before the making of this present act; any thing in the same contained to the contrary notwithstanding.

LXXXII. Provided alway, and be it enacted by the authority of the said Henry the eighth, That all manner of process, processes, and executions for debts, only coming or growing in the court of the exchequer, shall be made in the same court of the exchequer, by such officer and officers, clerk or minister of the same court, as hath been afore this time used to be made, after and with such kind of process, processes and executions, as by this act is limited and declared; any thing in this act contained to the contrary notwithstanding.

Process and  
executions for  
debts growing  
in the exche-  
quer.

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Statutes made at Westminster, Anno 34 & 35  
HEN. VIII. and Anno Dom. 1542-3.

**A**CTS made in the session of this present parliament bolden upon prorogation at Westminster the two and twentieth day of January in the four and thirtieth year of the reign of our most dread sovereign lord Henry the Eighth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, and there continued and kept to the twelfth day of May in the five and thirtieth year of our said sovereign lord, to the honour of God, and for the common weal and profit of this his realm.

CAP. I.

Recourse must be had to the catholick and apostolick church, for the decision of controversies; and therefore all books of the Old and New Testament in *English*, being of Tindal's false translation, or comprising any matter of christian religion, articles of the faith, or holy scripture, contrary to the doctrine set forth thence Anno Dom. 1540. or to be set forth by the King; shall be abolished. No printer or bookseller shall utter any of the aforesaid books. No persons shall play in interlude, sing or rhyme, contrary to the said doctrine. No person shall retain any *English* books or writings concerning matter against the holy and blessed sacrament of the altar, or for the maintenance of anabaptists, or other books abolished by the King's proclamation. There shall be no annotations or preambles in Bibles or New Testaments in *English*. The Bible shall not be read in *English* in any church. No

women or artificers, prentices, journeymen, servingmen of the degree of yeomen or under, husbandmen, nor labourers, shall read the New Testament in *English*. Nothing shall be taught or maintained contrary to the King's instructions. And if any spiritual person preach, teach, or maintain any thing contrary to the King's instructions or determinations, made or to be made, and shall be thereof convicted, he shall for his first offence recant, for his second abjure and bear a sagot, and for his third shall be adjudged an heretick, and be burned and lose all his goods and chattels.

REP. by 1 Ed.  
6. c. 12.

## CAP. II.

*An act for collectors and receivers.*

**W**HERE divers and sundry high collectors of the fifteens and subsidies to the King's highness, and divers other his particular and general receivers of his revenues and duties, being within the survey, rule, and order of his Majesty's court of the exchequer, the duchy of Lancaster, the court of the augmentations of the revenues of his crown, the court of the general surveyors, the court of the wards and liveries, and the court of the tenth and first-fruits, have heretofore after the collection, levying, or gathering of the King's fifteens, subsidies, rents, debts, and other his money and duties, retained, occupied, and converted the same to their own singular profit and commodity, as in loaning or laying out the same for gains in purchasing lands of great value, and in buying of wools and other merchandise, whereby the King's majesty hath oft times lost great part of his debts and duties, and sometime forborn the same by a long season, after such time as the same have been due and gathered: (2) For reformation whereof, be it enacted, ordained, and established by the King's highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every high collector of any fifteens, subsidy, or other tax or loan, and all and every other the King's said particular and general receivers of any of the said sums of money and other duties belonging to the King, from and after the first day of July next coming, shall within the space of three months next after such days and times, as any of the said fifteens, subsidies, rents, sums of money, or other yearly profits, shall be due and payable to the King, his heirs or successors, by any statute, ordinance, or other mean, and by the same collector, particular or general receiver, or any of them retained or gathered, truly content, deliver, and pay the same to the King's use, at such place or places, and to such person or persons, as be or shall be named, appointed, and limited for the same, (3) upon pain to forfeit to the King, his heirs and successors, for every pound so being received, and after that retained, kept, or laid out for gain, and not paid within three months to the King's use, as is aforesaid, iv. s. for every month that the same money shall be so retained, kept, or laid out for gain, as is aforesaid, (4) and shall

Within what time any collectors or receivers of the King's fifteens, &c. shall pay the same to the King's use.

shall also lose and forfeit his or their said office concerning the same, and all profits thereunto belonging: (5) and that the King shall at his pleasure charge the said collector particular or general receiver, upon his or their accompts, with the penalty and forfeitures above rehearsed, or else at his pleasure demand, ask, and recover the same by action, bill, plaint, or suit of debt against the same collector or collectors, particular or general receiver, their heirs, executors or administrators; in which action, bill, plaint or suit, no protection, essoin, or wager of law shall be allowed nor admitted.

II. Provided alway, That if any of the said collectors, particular or general receivers, tender payment of all such money by them received to the King's use within the said three months, in such place, and unto such person and persons as be or shall be charged with the receipt of the same, and do as much as in him or them is, or then shall be, for to make true payment thereof, and cannot be thereunto admitted, by reason of importunate business, or other lawful impediment or cause in him or them that should accept or receive the same; that in every such case the same collector, particular or general receiver or receivers, as shall so make tender of all such money by him or them received or gathered to the King's use, as is aforesaid, and cannot be thereunto admitted for any the causes abovesaid, shall not be charged with, or incur any danger and penalty contained in this act; this act or any thing therein contained to the contrary notwithstanding.

III. Provided always, and be it enacted by the authority aforesaid, That the heir or heirs of any collector or receiver aforesaid shall not be charged or chargeable by reason of this act, but only for and in such lands, tenements or hereditaments which the said heir or heirs have or shall have by descent in fee-simple, or fee-tail, or by gift, or else by any other assurance had or made to any such heir or heirs, only by covin from the said collector or receiver, or any of them, or any their assigns. (2) And that in all and every such case and cases, the King's majesty, his heirs and successors, to have execution only of and in such lands, tenements or hereditaments descended, given, or otherwise assured, as is aforesaid, until such time as his Majesty, his heirs and successors, be fully satisfied and paid off all and every such sum and sums of money due or to be due by any such collector or receiver.

IV. And it is further enacted, That the executor or executors, administrator or administrators of every such collector or receiver, shall not be otherwise charged or chargeable by this act, but as executors and administrators be or should be charged and chargeable by the order of the common laws of this realm, in actions of debt used and commenced against them as executors or administrators.

V. Provided also, and be it further enacted by the authority aforesaid, That where the heir and heirs of any of the King's receivers, or collectors, or debtors, is or shall be charged of and

The collector's or receiver's payment being tendered, sufficient, though it be not received.

How far the collector's or receiver's heir shall be charged.

Hob. 43.

How far the executors or administrators of a collector or receiver shall be charged.

The heir being charged shall have remedy against the executors

for his father's or ancestor's debts or duties, whose heir he is, whereby the lands descended or given to him by covin, to defraud the King's execution of such land unto him or them from the said father or ancestor, is put in execution, that then such heir or heirs shall and may have his or their action of debt against the executors or administrators of his said father or ancestor, and shall have execution of the goods and chattels of the said father or ancestor being in the hands of the said executors or administrators at the time of the said action brought; in which said actions no essoin, protection, or wager of law shall be admitted or allowed.

This act not to extend to collectors of tonnage, &c.

VI. Provided alway, That this act shall not extend to the collectors of the King's custom, and of the subsidy of tonnage and poundage, which be accomptable yearly in the King's majesty's exchequer.

Nor to receivers paying pensions, fees, &c.

VII. Provided always, That this act, or any thing therein contained, shall not extend or be prejudicial to any the said general or particular receiver or receivers, to or for the payment of any pensions, fees, annuities, rents or other allowances, by them or any of them paid or to be paid to any person or persons, according to such allowance, order or decree, as be or hereafter shall be allowed, ordered or decreed in any of the said courts; any thing in this act to the contrary notwithstanding.

7 Ed. 6. c. 1.  
1 El. c. 4.

#### C A P. III.

REP. 7 Ed. 6. c. 7.

Of what measure, assise and scantling, coals, talwood, faggots and billets shall be, and the forfeiture and penalty of them that shall not perform the same.

#### C A P. IV.

*An act against such persons as do make bankrupts.*

Ex. Edit. Rastal.

1 Bulstr. 134.  
4 Inst. 277.  
The chancellor, treasurer, &c. shall take order with bankrupt's bodies, lands and goods, for the payment of their debts.  
Altered by  
13 Eliz. c. 7.  
1 Jac. 1. c. 15.  
21 Jac. 1. c. 19.

**W**HERE divers and sundry persons craftily obtaining into their hands great substance of other mens goods, do suddenly flee to parts unknown, or keep their houses, not minding to pay or restore to any their creditors, their debts and duties, but at their own wills and pleasures consume the substance obtained by credit of other men, for their own pleasure and delicate living, against all reason, equity, and good conscience: be it therefore enacted by authority of this present parliament, That the lord chancellor of England, or keeper of the great seal, the lord treasurer, the lord president, lord privy seal, and other of the King's most honourable privy council, the chief justices of either bench for the time being, or three of them at the least, whereof the lord chancellor or keeper of the great seal, lord treasurer, lord president, or the lord privy seal, to be one, upon every complaint made to them in writing by any parties grieved concerning the premisses shall have power and authority by virtue of this act, to take by their wisdoms and discretions, such orders and directions, as well with the bodies of such offenders aforesaid, wheresoever they may be had, or otherwise, as also with their lands, tenements, fees, annuities, and offices, which they have in fee-simple, fee-tail, term of life, term of years, or in the right of their wives, as much as the interest,

terest, right and title of the same offender shall extend or be, and may then lawfully be departed with, by the said offender, and also with their money, goods, chattels, wares, merchandises, and debts, wheresoever they may be found or known. And to cause their said lands, tenements, fees, annuities, offices, goods, chattels, wares, merchandises and debts to be searched viewed rented and appraised, and to make sale of the said lands, tenements, fees, annuities and offices, as much as the same offender may then lawfully give, grant or depart with, or otherwise to order the same for true satisfaction and payment of the said creditors: that is to say, to every of the said creditors, a portion rate and rate like, according to the quantity of their debts. And that every direction, order, bargain, sale and other things done by the said lords authorised, as is aforesaid, in writing signed with their hands, by authority of this act, shall be good and effectual in the law to all intents constructions and purposes against the said offenders, their heirs and executors for ever, as though the same order, direction, bargain and sale had been made by the said offender or offenders, at his or their own free will and liberty by writing, indented, enrolled in any the King's courts of record.

II. And be it also further enacted by the authority aforesaid, That if after any such act or offence committed, and complaint thereof made to the said lords as is aforesaid, any party grieved concerning the premises knowing, supposing or suspecting any of the goods, chattels, wares, merchandises or debts of such offender or offenders, to be in custody, use, occupying, keeping, or possession of any person or persons, or any person or persons to be indebted to any such offender or offenders, do make relation thereof to the said lords, to whom authority is given by this present act as is aforesaid: that then the said lords shall by virtue hereof have full power and authority to send for and convent afore them by such process, ways or means, as they shall think convenient by their discretions, all and every such person and persons so known, supposed or suspected, to have any such goods, chattels, wares, merchandises, or debts, in his or their custody, use, occupation, keeping or possession, or supposed or suspected, to be indebted to such offender or offenders: and upon their appearance to examine them and every of them as well by their oaths, as otherwise by such ways and means, as the said lords, by their discretions, shall think meet and convenient for and upon the specialty, certainty, true declaration and knowledge, of all and singular such goods, chattels, wares, merchandises, and debts, of any such offenders as be supposed or suspected to be in his or their custody, use, occupation, or possession, and of all such debts as by them or any of them, shall be supposed or suspected to be owing to any such offender, and if any such person or persons upon such examination do not disclose, plainly declare and shew the whole truth of such things as he or they shall be examined of, concerning the premises: then every such person or persons so examined, and not declaring the

plain and whole truth, concerning the premisses upon due proof thereof to be made, before the said lords therefore authorized, as is aforesaid, by witness, examination, or otherwise, as to the same lords shall seem sufficient in that behalf, shall lose and forfeit double the value of all such goods, chattels, wares, merchandises, and debts by them or any of them so concealed and not wholly and plainly declared and shewed, which forfeiture shall be levied and recovered by the said lords having authority as is aforesaid, by such ways and means as to them shall seem requisite and convenient. And the same forfeiture to be distributed and employed to and for the satisfaction and payment of the debts of the said creditor or creditors, in such like manner rate and form as is above declared, concerning the ordering of the goods and chattels, of the said offenders, keeping their houses, or flying to places unknown, as is aforesaid.

III. And be it also further enacted by the authority aforesaid, That if after any such person or persons shall keep his or their houses, or flee to parts unknown, as is aforesaid, any person or persons do fraudulently by covin or collusion, claim or demand any debt, duty, or other thing by writing or otherwise, of any such offender or offenders, other than such as he or they can and do prove to be due by right and conscience in form aforesaid, before the said lords having authority by this present act, as is aforesaid, and the same to proceed *bona fide*, without fraud or covin: that then every such person and persons, so craftily demanding or claiming any such debt, duty or other thing, as is aforesaid, shall forfeit and lose double as much as he or they shall so claim or demand. And the same forfeiture to be levied, recovered and employed, in manner and form as is afore rehearsed.

IV. And be it also further enacted, by the authority aforesaid, That if any such person or persons, which shall keep his or their houses, or flee to parts unknown, as is aforesaid, or intend to delay or defraud their creditors deceitfully by covin or collusion, suffer or cause any other person or persons, to recover against him or them any debts, goods, chattels, wares, or merchandises, without just cause and title so to do, proceeding *bona fide*, without fraud or covin, that then upon complaint thereof made to the said lords having authority by this present act, as is aforesaid, the same lords shall have power and authority by virtue hereof to convent and call before them the said recoverer or recoverers, and after such fraud, deceit, covin or collusion, shall plainly appear, or be duly proved before the said lords authorized, as is aforesaid, all the said goods and chattels, of the said offender so recovered, shall be chargeable, employed, ordered and delivered toward the payment of the true and due debts of the said creditor, after the manner form and rate, as is afore specified, by the discretion of the said lords, having authority by this present act, the aforesaid false and feigned recoveries notwithstanding, so that always such false and feigned recoveries shall not be in force, or any execution thereby had of or upon any

any goods, chattels, lands, or tenements of any such offender or offenders, until such time as all his or their true and due debts and duties, shall be fully satisfied, contented and paid to his or their creditors. And nevertheless after that the said true debts and duties, shall be fully satisfied and paid, as is aforesaid, as well the body of the said offender, as his lands, tenements, goods and chattels, shall be changed and liable to the execution of the said recovery according to the tenor, force, and effect of the same.

V. And be it also enacted by the same authority, That if any such person or persons which shall be indebted, do withdraw himself out of this realm, and other the King's dominions, into any foreign realm, or country, to the intent thereby to abide and remain, in defraud of his creditors: that then upon complaint in writing concerning the premises thereof made to the said lords having authority, as is aforesaid, the same lords shall by virtue and authority of this present act, have full power and authority to award proclamations to be made in such places as to them shall be thought meet and convenient, commanding by the same such offender in the King our sovereign lord's name, to return with all convenient speed into this realm, and to yield his body before the said lords, having authority as is aforesaid, or one of them. And if the said person within three months next after he shall have knowledge of such proclamation, or as soon after as he conveniently may, do not repair and yield his body as is aforesaid, that then the body of all and every such offender and offenders shall be judged taken and deemed to all intents and purposes out of the King's protection, and that also all goods, chattels, lands, tenements and debts of every such offender shall be by the order and discretion of the said lords employed and distributed amongst his creditors equally and indifferently rate for rate, in like manner and form as is afore declared. And that also every person or persons that shall willingly help to aid, imbezzle or convey any such person or persons, their said goods, chattels, wares, or merchandises out of this realm, and other the King's dominions, into any foreign realm or place, knowing the said person or persons to depart or withdraw themselves, or convey their said goods, chattels, wares and merchandises for the cause and intent aforesaid, shall suffer such pains by imprisonment of their bodies, or pay such fine to our sovereign lord the King, his heirs or successors, as to the said lords having authority by virtue of this present act, shall seem meet and convenient for their said offence or offences.

VI. Provided always, and be it enacted by the authority aforesaid, That if the creditors of any such offender or offenders, which shall keep his or their house or houses, or which shall absent or withdraw themselves into places unknown, for the cause aforesaid, be not fully satisfied and paid or otherwise contented for their debts and duties, by the ways and means afore specified and declared, that then the said creditor and creditors, and every of them, shall and may have their remedy for the recovery and le-

vying of the residue of the same debts or duties, whereof they shall not be fully satisfied and paid, or otherwise contented in form aforesaid against the said offender or offenders in like manner and form as they should or might have had, before the making of this act, and that the said creditor and creditors, and every of them, shall be only barred and excluded by virtue of this act, of and for all and every such part and portion of the said debts and duties, as shall be paid, satisfied, distributed, or delivered unto him or them by the said lords, having authority as is aforesaid, and of no more portion or parcel thereof, any thing herein specified that may be taken or construed to the contrary notwithstanding.

## CAP. V.

*The bill concerning the explanation of wills.*

32 H. 8. c. 1.

**W**HERE in the last parliament begun and holden at Westminster the thirty-eighth day of April in the thirty-first year of the King's most gracious reign, and there by divers prorogations holden, and continued unto the twenty-fourth day of July in the thirty-second year of his said reign, it was by the King's most gracious and liberal disposition shewed toward his most humble and obedient subjects, ordained and enacted how and in what manner lands, tenements, and other hereditaments might be by will or testament in writing, or otherwise by any act or acts lawfully executed in the life of every person, given, disposed, willed or devised, for the advancement of the wife, preferment of the children, payment of debts of every such person, or otherwise at his will and pleasure, as in the same act more plainly is declared: (2) fithen the making of which estatute, divers doubts, questions and ambiguities have risen, been moved, and grown, by diversity of opinions, taken in and upon the exposition of the letter of the same estatute.

II. For a plain declaration and explanation whereof, and to the intent and purpose that the King's obedient and loving subjects shall and may take the commodity and advantage of the King's said gracious and liberal disposition, the lords spiritual and temporal, and the commons, in this present parliament assembled, most humbly beseechen the King's majesty, that the meaning of the letter of the same estatute, concerning such matters hereafter rehearsed, may be by the authority of this present parliament enacted, taken, expounded, judged, declared and explained in manner and form following:

III. First, Where it is contained in the same former statute, within divers articles and branches of the same, that all and singular person and persons having any manors, lands, tenements or hereditaments of the estate of inheritance, should have full and free liberty, power and authority to give, will, dispose or assign, as well by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life, his manors, lands, tenements or hereditaments, or any of them, in such manner and form as in the same former act more at large it doth appear. Which words of *estate of inheritance*, by the authority of this present parliament, is and shall be declared, expounded, taken and judged of estates in fee-simple only.

The words  
estate of inheritance  
how to  
be understood.

IV. And

IV. And also that all and singular person and persons having a sole estate or interest in fee-simple, or seised in fee-simple in coparcenary, or in common in fee-simple, of and in any manors, lands, tenements, rents or other hereditaments, in possession, reversion, remainder, or of rents or services incident to any reversion or remainder, and having no manors, lands, tenements or hereditaments holden of the King, his heirs or successors, or of any other person or persons by knights service, shall have full and free liberty, power and authority to give, dispose, will or devise to any person or persons (except bodies politic and corporate) by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life, by himself solely, or by himself and other jointly, severally or particularly, or by all those ways, or any of them, as much as in him of right is or shall be, all his said manors, lands, tenements, rents and hereditaments, or any of them, or any rents, commons or other profits or commodities out of or to be perceived of the same, or out of any parcel thereof, at his own free will and pleasure; any clause in the said former act notwithstanding.

V. And further be it declared and enacted by the authority aforesaid, That all and singular person and persons, having a sole estate or interest in fee-simple, or seised in fee-simple in coparcenary, or in common in fee-simple, of or in any manors, lands, tenements, rents or other hereditaments, in possession, reversion or remainder, or of and in any rents or services incident to any reversion or remainder, holden of the King by knights service in chief; or of the nature of knights service in chief, hath, and by the authority of this present parliament shall have, full and free liberty, power and authority to give, dispose, will or assign to any person or persons (except bodies politic and corporate) by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life-time by himself solely, or by himself and others jointly, severally or particularly, or by all those ways, or any of them, as much as in him of right is or shall be, two parts as well of all the said manors, lands, tenements, rents and hereditaments, as of all and singular his other rents and hereditaments, or of any of them, or any rents, commons or other profits or commodities, out of or to be perceived of the same two parts, or out of any parcel thereof in three parts to be divided, or as much thereof as shall amount to the full and clear yearly value of two parts thereof, in three parts to be divided, of what person or persons soever the same be holden, at his free will and pleasure.

VI. And that by the authority aforesaid, the said will so declared shall be good and effectual for two parts of the said manors, lands, tenements and hereditaments, although the will so declared be made of the whole, or of more than of two parts of the same: (2) the same division to be made and set forth by the devisor or owner of the same manors, lands, tenements and hereditaments, by his last will in writing, or otherwise in writing, (3) and in default thereof, by a commission to be

Fee-simple in  
coparcenary,  
or in common,  
in possession,  
reversion, re-  
mainder, &c.  
29 Car. 2. c. 3.  
f. 12.  
1 Bulstr. 62.  
Poph. 87, 91.  
3 Co. 30.  
10 Co. 81.  
Dyer 158, 354.  
3 Cro. 805.  
Dyer 255.  
Moor 38.  
pl. 124.  
Hob. 136.  
Devising of  
rent or com-  
mon out of  
land.  
3 Co. 33.  
8 Co. 84.  
Lands holden  
of the King by  
knights service  
in chief.  
Moor 177. pl.  
313, 314.  
Ley 41, 51, 65.

10 Co. 80.  
Dyer 287.  
Co. Lit. 76.

granted out of the King's court of the wards and liveries, upon the enquiry of the true value thereof by the oaths of twelve men, and return or certificate thereof had in the same court, of the said manors, lands, tenements and hereditaments, division to be made by the master of the wards and liveries, if the master of the wards and liveries for the time being, and the parties thereunto, cannot otherwise agree upon the same division: (4) and that the issues and profits of the two parts of the same manors, lands, tenements and hereditaments, upon every such division to be restored to them that shall have right or title to the same from the death of the owner or devisor thereof.

Lands holden  
of the King or  
others by  
knights ser-  
vice, and lands  
holden in soc-  
cage.  
Dyer 158.

VII. And further be it enacted and declared by the authority aforesaid, That all and singular person and persons, having a sole estate or interest in fee-simple, or seised in fee-simple in coparcenary, or in common in fee-simple, of and in any manors, lands, tenements, rents or other hereditaments, in possession, reversion or remainder, or of and in any rents or services incident to any reversion or remainder holden of the King, his heirs or successors, by knights service, and not in chief, or holden of any other person or persons by knights service, shall have full and free liberty, power and authority to give, dispose, will or devise to any person or persons (except bodies politick and corporate) by his last will and testament in writing, or otherwise by any act or acts lawfully executed in his life by himself solely, or by himself and other jointly, severally or particularly, or by all these ways, or any of them, as much as in him of right is or shall be; two parts of all the said manors, lands, tenements and hereditaments, or any of them, so holden by knights service, or any rents, common or other profits or commodities, out of or to be perceived of the same two parts, or out of any parcel thereof in three parts to be divided, or as much thereof as shall amount to the full and clear yearly value of two parts thereof in three parts to be divided, at his free will and pleasure.

A will made of  
the whole shall  
be good for  
two parts.  
Raym. 249.  
Hob. 80.  
1 Roll. 192.  
Dyer 367.  
3 Co. 84.  
Goldsb. 84.  
Hetley 57.

VIII. And that the said will, so declared by authority aforesaid, shall be good and effectual for two parts of the said manors, lands, tenements and hereditaments, although the will so declared be or shall be made of the whole lands and tenements so holden by knights service, or of more than two parts of the same; (2) and also for the whole of all other such manors, lands, tenements and hereditaments, or any of them, not holden of the King by knights service in chief, or otherwise by knights service, nor of any other person by knights service, and of any rents, commons or other profits or commodities, out of or to be perceived of the same, or out of any parcel thereof, at his free will and pleasure; (3) the same division to be made and set forth by the owner of the said manors, lands, tenements and hereditaments, by his last will and testament in writing, or otherwise in writing; (4) and in default thereof, for as much of the same manors, lands, tenements and hereditaments as shall concern the King's interest, by commission to be directed out of the King's court of the wards and liveries, in manner and form

as is aforesaid, if the master of the wards and liveries for the time being and the parties thereunto cannot otherwise agree upon the same division; (5) and that restitution of the issues and profits of the two parts thereof shall be had and made in manner and form aforesaid: (6) and for such of the same manors, lands, tenements and hereditaments, as shall concern the interest of any other lord or lords, by commission to be granted out of the King's court of the chancery, to enquire thereof by the oaths of twelve men, if the same lord or lords and the parties thereunto cannot otherwise agree upon the same division

<sup>1</sup> Anderf. 348.  
How the division of the two parts in three shall be set forth.

IX. And be it further enacted and declared by authority aforesaid, That the savings, reservings and provisions concerning saving of the custody, wardship, relief and *primer seisin* to the King of such manors, lands, tenements and hereditaments, or as much thereof as shall appertain unto him by virtue of the said former act, and by the declaration and exposition thereof declared by this present act, during the King's interest therein, and also of the custody and wardship to other lords, of as much of such manors, lands, tenements and hereditaments holden of them, as shall amount and extend to the clear yearly value of the third part thereof, over and above all charges, without any diminution or abridgment of the third part, or of the full profits thereof, comprised and mentioned in divers articles in the said former act contained, by the authority aforesaid, be and shall be intended, expounded and taken as hereafter ensueth; that is to say, That the King shall have and take for his full third part of all such manors, lands, tenements and hereditaments, wherunto he is or shall be intituled by the said former act, and by this present act, such manors, lands and tenements as shall by any means descend, or come by descent, as well of estate of inheritance in fee-tail as in fee-simple, or in fee-tail only, to the heir of any such person that shall make any will, gift, disposition or devise by his last will in writing, or by any act or acts lawfully executed in his life, immediately after the death of the same devisor or owner thereof.

An exposition of the savings, reservings and provisions made in this act, and the statute of 32 H. 8. c. 1.  
<sup>3</sup> Co. 27.

X. And that the will, gift and devise of every such devisor or owner, of and for the two parts of the said manors, lands, tenements and hereditaments residue, shall by the authority aforesaid be and stand good and effectual in the law, albeit the same will, gift or devise he had and made of all his fee-simple lands, tenements and hereditaments, or of the more part thereof.

Devise of all the fee-simple lands, leaving the third part of entailed lands to the King or other chief lord.  
Dyer 150.  
<sup>3</sup> Co. 28.  
<sup>10</sup> Co. 10.

XI. And in case the same manors, lands, tenements and hereditaments, which after the death of any such owner or devisor, which shall make any such gift, disposition or devise by his last will in writing, or otherwise by any act or acts lawfully executed in his life, to his wife, children or otherwise, as is aforesaid, which shall immediately after his death descend, revert, remain or come to his heir or heirs, as well of estate of inheritance in fee-tail, as of estate in fee-simple, or fee-tail only, be not or shall not amount or extend to the full clear yearly value of the full third part, with the full profits thereof, of all the said manors,

A remedy  
where a full  
third part is  
not left for the  
King or other  
lords.

manors, lands, tenements or other hereditaments of the said devisor or owner, according to true intent and meaning of the said former act, and of this present act; that then the King shall and may have and take into his hands and possession to make up his full third part, with the full profits thereof, according to his interest therein, as much of the other manors, lands, tenements and hereditaments, willed, given, disposed or assigned by any such person to his wife, children, or otherwise as is aforesaid, as with such of the same manors, lands, tenements and hereditaments, descended or by any means come unto the heir, as heir of any such devisor or owner, shall make up the clear yearly value of the said full third part, with the full profits thereof, of all the said manors, lands, tenements and hereditaments of every such owner or devisor, so to be had to the King in title of wardship or *primer seisin*, as the case shall require; (2) and the division thereof to be had and made, and with the restitution of the profits of the two parts of the said manors, lands, tenements and hereditaments, in such manner and form as is above rehearsed; (3) and like advantage and benefit to be given, had and taken by the said authority to every lord and lords, of whom any such manors, lands, tenements or hereditaments been or shall be holden by knights service, in manner and form as is aforesaid, concerning only his or their third parts thereof, according to their said interest therein.

A remedy for  
the King or  
other lords, if  
the third part  
be entailed.

XII. And be it further enacted by the authority aforesaid, That if it happen the same third part, or any part thereof, left, willed or assigned to the King or other lord, at any time during their interests therein, to be lawfully evicted or determined; that then the King and the other lord shall have as much of the two parts residue as shall accomplish and make up a full third part in clear yearly value, after the rate and portion of such manors, lands, tenements and hereditaments, as shall then happen to remain of the same third part, not evicted nor determined, and of the other two parts of such manors, lands, tenements and hereditaments, as the King or other lord should or ought to have had by virtue of the said former act and this present act; (2) and the same to be divided in manner and form above rehearsed; any clause in the said former act notwithstanding.

A pardon of  
alienation  
must be sued  
by those to  
whom lands  
be devised,  
paying the  
third part of  
the yearly va-  
lue of the  
lands holden  
in chief.

XIII. And be it further enacted and declared by the authority aforesaid, That the saving and reserving for fines for alienation by any such last will and testament of such manors, lands, tenements and hereditaments, holden of the King by knights service in chief, or of the nature of knights service in chief, or by soccage in chief, or of the nature of soccage-tenure in chief, or for fines for alienation of such manors, lands, tenements or hereditaments, whereof there shall be any alteration of freehold or of inheritance, made by any such last will, comprised in divers and sundry articles mentioned in the said former act, be and shall be in-

intended, expounded, taken, deemed and judged, by the authority afore said, that all such person or persons to whom the said manors, lands, tenements or hereditaments, or any of them, be or shall be given, disposed, willed, or devised by any such last will, shall be exonerated, acquitted, and discharged for ever against the King, his heirs and successors, for all such fines for alienations by any such last will or testament without licence, by suing forth of the King's pardon for alienation out of the King's court of chancery, paying to the King, his heirs or successors, for the fine of every such alienation, the third part of the yearly value of the same manors, lands, tenements, or other hereditaments to him or them willed or devised. (2) And this act from time to time shall be a sufficient warrant to the lord chancellor of *England*, or keeper of the great seal for the time being, for the granting out of the said pardon or pardons under the King's great seal, as heretofore hath been used for pardons for alienation, without any further suit to be made to the King for the same.

XIV. And it is further declared and enacted by the authority afore said, That wills or testaments made of any manors, lands, tenements, or other hereditaments, by any woman covert, or person within the age of twenty-one years, idiot, or by any person *de non sane* memory, shall not be taken to be good or effectual in the law.

6 Co. 23. Dyer 354. Hob. 225.

XV. And be it further enacted by the authority afore said, That if any person or persons having estate of inheritance of or in manors, lands, tenements or hereditaments, holden of the King by knights service in chief, or otherwise of the King by knights service, or of any other person or persons by knights service, hath given at any time sithen the twentieth day of the said month of *July*, or hereafter shall give, will, devise, or assign by will or other act executed in his life, his manors, lands, tenements or hereditaments, or any of them, by fraud or covin, to any other person or persons for term of years, life or lives, with one remainder over in fee, or with divers remainders over for term of years, life, or in tail, with a remainder over in fee-simple to any person or persons, or to his or their right heirs; (2) or at any time sithen the said twentieth day of *July* hath conveyed or made, or hereafter shall convey or make, by fraud or covin, contrary to the true intent of this act, any estates, conditions, menalties, tenures or conveyances, to the intent to defraud or deceive the King of his prerogative, *primer seisin*, livery, relief, wardship, marriages or rights, (3) or any other lord of their wardships, reliefs, heriots, or other profits, which should or ought to accrue, grow, or come unto them, or any of them, by or after the death of his or their tenant, by force and according to the former estatute, and of this present act and declaration: (4) and the same estates and other conveyances being found by office to be so made or contrived by covin, fraud

Women covert, persons within age, idiots, or insane, cannot devise their lands.

Assurances by covin to defraud the King and other lords of their wardships, marriages, &c. 52 H. 3. c. 6. Dyer 123, 276. 6 Co. 76.

A remedy for the King to avoid fraudulent conveyances.

fraud or deceit, as is above said, contrary to the true intent and meaning of the said former act and of this act; (5) that then the King shall have as well the wardship of the body, and custody of the lands, tenements and hereditaments, as livery, *primer seisin*, relief, and other profits, which should or ought to appertain to the King, according to the true intent and meaning of the said former act and of this present act, as though no such estates or conveyances by covin had never been had or made; until the said office be lawfully undone by traverse or otherwise.

A remedy for other lords to avoid fraudulent conveyances.

9 Co. 129.

XVI. And that the other lord and lords, of whom any such manors, lands, tenements, or hereditaments shall be holden by knights service, as is aforesaid, shall have their remedy in such cases for his or their wardships of bodies and lands, by writ of right of ward; (2) and shall distrain and make avowry or cognisance by themselves or their bailiffs, for their reliefs, heriots, and other profits, which should have been to them due by or after the death of their tenant, as if no such estate or conveyance had been had or made:

The rights of the donees, &c. saved, after the King's or other lord's interest expired.

Dyer 287.

XVII. Saving and reserving always, by the authority aforesaid, the right and title of the donees, feoffees, lessees and devisees thereof, against the said devisor and his heirs, after the interest and title of the King or other lord therein ended and determined.

Certain persons to whose wills this statute extendeth not.

XVII. Provided always, That this act of explanation or declaration, or any of them, or any thing in this said act, explanation and declaration contained, shall not extend to the will or devise of Sir *John Gainsford*, late of *Crowberst* in the county of *Surrey*, knight, deceased; nor to the will or devise of *Richard Creswell*, late of *Mattingly* in the county of *Southampton*, gentleman, deceased; nor to the will or devise of *Thomas Unton*, late of the county of *Berks*, gentleman, deceased, son of Sir *Thomas Unton*, knight, also deceased; (2) or shall be in any ways prejudicial or hurtful to any person or persons for or concerning any manors, lands, tenements or hereditaments, contained or specified in the said wills or devises, or in any of them, but that the said last wills and devises, and every of them, shall stand, abide, remain, and be in the same case, force, and effect in the law to all intents, purposes and constructions, as the said last wills and devises, and every of them, were before the making of this act, declaration and explanation, and of none other effect or force; this act, declaration and explanation, or any of them, or any thing therein contained to the contrary thereof in any wise notwithstanding.

Contribution for him from whom the King taketh any lands to make up his third part.

Note; the 19th session does pre-

XIX. Provided alway, and be it enacted by the authority aforesaid, That all and every person and persons, from whom the King or other lord or lords shall take any manors, lands, tenements or hereditaments, for his or their full third part, or to make up his or their full third part, shall and may by authority of this present act, in any of the cases aforesaid, upon his or their bill exhibited in the King's high court of chancery, against all

all and every such person and persons which shall be intituled by or under any such will, gift, disposition or devise, to the other two parts, have such contribution or recompence for the same, as by the lord chancellor of *England*, or by the keeper of the great seal of *England* for the time being, shall be thought good and convenient.

cede the 18th on the roll.  
3 Co. 25.  
Co. Lit. 76. a.  
78. a. 111. b.

#### CAP. VI.

No person shall put to sale any pins, but only such as shall be double-headed, and have the heads foldered fast to the shank of the pin, well smoothed, the shank well shaven, the point well and round filed, cauted and sharpened.

#### CAP. VII.

The lords authorized by the statute of 28 H. 8. c. 14. to set the prices of wine in gross, may mitigate and enhance the prices of wines to be sold by retail, as time and occasion shall require.

#### CAP. VIII.

*A bill that persons, being no common surgeons, may minister medicines, notwithstanding the statute.*

WHERE in the parliament holden at Westminster in the third year of the King's most gracious reign, amongst other things, for the avoiding of sorceries, witchcrafts, and other inconveniencies, it was enacted, That no person within the city of London, nor within seven miles of the same, should take upon him to exercise and occupy as physician or surgeon, except he be first examined, approved, and admitted by the bishop of London and other, under and upon certain pains and penalties in the same act mentioned: (2) sithence the making of which said act, the company and fellowship of surgeons of London, minding only their own lucre, and nothing the profit or ease of the diseased or patient, have sued, troubled, and vexed divers honest persons, as well men as women, whom God hath endued with the knowledge of the nature, kind, and operation of certain herbs, roots and waters, and the using and ministering of them to such as been pained with customable diseases, as womens breasts being sore, a pin and the web in the eye, uncomes of hands, burnings, scaldings, sore mouths, the stone, strangury, saucelim and morpew, and such other like diseases; and yet the said persons have not taken any thing for their pains or cunning, but have ministred the same to poor people only for neighbourhood and God's sake, and of pity and charity. (3) And it is now well known, that the surgeons admitted will do no cure to any person, but where they shall know to be rewarded with a greater sum or reward than the cure extendeth unto: for in case they would minister their cunning unto sore people unrewarded, there should not so many rot and perish to death for lack or help of surgery, as daily do; but the greatest part of surgeons admitted been much more to be blamed, than those persons that they trouble.

Abuses of the statute of 3 H. 8. c. 11. by the surgeons of London.

II. For although the most part of the persons of the said craft of surgeons have small cunning, yet they will take great sums of money, and do little therefore, and by reason thereof they do oftentimes impair and hurt their patients, rather than do them good: (2) in consideration

tion whereof, and for the ease, comfort, succour, help, relief, and health of the King's poor subjects, inhabitants of this realm, now pained or diseased, or that hereafter shall be pained or diseased;

Any subject of the King may cure outward sores notwithstanding the stat. of 3 H. 8. c. 11.

III. Be it ordained, established, and enacted by the authority of this present parliament, That at all time from henceforth it shall be lawful to every person being the King's subject, having knowledge and experience of the nature of herbs, roots and waters, or of the operation of the same, by speculation or practice, within any part of the realm of *England*, or within any other the King's dominions, to practise, use, and minister in and to any outward sore, uncome, wound, apostemations, outward swelling or disease, any herb or herbs, ointments, baths, pultes and emplaisters, according to their cunning, experience and knowledge in any of the diseases, sores and maladies before said, and all other like to the same, or drinks for the stone, stranguary or agues, without suit, vexation, trouble, penalty, or loss of their goods, the foresaid statute in the foresaid third year of the King's most gracious reign, or any other act, ordinance, or statute to the contrary heretofore made in any wise notwithstanding.

### CAP. IX.

*An act for the preservation of the river of Severn.*

Farther provided for by 21 & 22 W. 3. c. 23. l. 1.

WHERE divers persons, as well inhabitants, farmers and dwellers near unto the stream of Severn and unto the creeks and piles of the same, from Kingrod upward toward the city and town of Gloucester, conveyeth and carrieth grain and corn out of the realm of England, unto the parts beyond the sea where grains are very dear, and now of late time have made picards, and other great boats with foremasts, of the burthen of fifteen tun, and so to thirty-six tun; and by reason thereof, wheat, rye, beans, barley, malt and other kind of grains, by stealth are conveyed into the utter parts beyond the sea, so that thereby the King's majesty is not only deceived of his subsidy and custom for the same, but it causeth at such times wheat grain and other kind of corn as is aforesaid, to be at high prices; and by the same means the inhabitants within the said city or town of Bristol are often and sundry times destitute, and scant may have grain or corn to serve the King's obedient subjects there dwelling and inhabiting; (2) and also by reason of having of the said great boats and vessels, oftentimes divers ships, as well of the parts beyond the sea, as other of English ships lying in Kingrod and Hungrod (being ports or havens of the city or town of Bristol aforesaid, distant five miles or thereabouts, from the said town of Bristol) awaiting and tarrying there the coming of the said great boats with corn and grain down Severn, who there discharge the grain and corn aboard the said ships at Kingrod, by reason whereof the said ships, and other vessels there tarrying for the receipt of the said grain and corn, do then cast out their ballast of stones, and other robe of ballast of their said ships and vessels, into the said roads and havens of Hungrod and Kingrod, and there lead the said grain or corn in the ships and vessels, to the great destruction, and in continuance, to the utter undoing of the said roads and

and haven, so that the mouth, and whole channel of the said haven is so heaped and quarred with stones and roble of ballast of the ships and boats there arriving, that great ships, which use the course of merchandise to the said town of Bristol from the parts beyond the sea, and from the said town laden with merchandise unto the utter parts, may scantily or safely come unto the King's said port and town of Bristol, and the river of the same, and so from the said port and town of Bristol, unto the said Severn, without great danger and peril; and by that means ships of great burthen are like to be destroyed and utterly to be cast away; and if redress be not the sooner had therein, it will be to the utter destruction of the haven and port of the said town of Bristol, which said town of Bristol is chiefly maintained by course of merchandise:

II. Wherefore it may please the King's majesty, the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, to enact, make and ordain, That after the last day of July next coming no master or masters, owner or owners of ship or ships, or of any other boat or vessel, or any other person or persons, do cast or unload their ballast or roble at or in the said road called *Kingrod* and *Hungrod*, nor in any of them, ne in any other place from the road of *Kingrod* unto the town of *Bristol*, nor in no part of the haven thereof, but on the land only, above the full sea mark, (2) upon pain that every such owner, master of ship, or of other boat or vessel, and of every other person or persons casting and laying their ballast or roble in the stream, at the place or in the river aforesaid, to forfeit for every time so offending, iv. li. the one half thereof to be to our sovereign lord the King, and the other half thereof to the party that will sue for the same in any of the King's courts of record, as well within courts of record within cities and towns corporate, before the mayor, aldermen, sheriffs and bailiffs, according to their corporation, as elsewhere in any of the King's courts of record, by bill, plaint, action of debt, information or otherwise; in the which action the defendant shall not wage his law, neither yet no protection nor essoin to be allowed.

The penalty for casting of ballast or roble in *Kingrod*, or in any part of the haven of *Bristol*.

III. And further that it may be enacted by the authority aforesaid, That no person or persons from henceforth shall enboat or lade, or cause to be enboat or laden, any wheat, malt, beans, or any other kind of grain or corn, whatsoever it shall be, in any picard, boat or other vessel, at any creek, pile, bank or elsewhere upon the *Severn* stream, between the key of the city of *Glocester*, and the said city or town of *Bristol*, by the water of *Severn*, to the intent to be transported into the utter parts beyond the sea, out of the King's dominion, before that the said owner, or lader of the said picard, boat or other vessel, hath been with the King's customers of the said port and town of *Bristol*, and there by himself, and one sufficient surety with him, bounden unto the King's customers of the said port and town of *Bristol* aforesaid, in such reasonable sums of money, to the use of our said sovereign lord the King, as shall amount to the

None shall load any corn in any vessel by the water of *Severn* to transport, before he be bound to the customers of *Bristol* to bring it there.

double value of the said grain or corn there to be laden, or to be cohoisted, (2) upon condition that the said owner or master of the said picard or boat or other vessel, shall not repair, nor transport the said corn or grain, nor no part thereof, into any utter part beyond the sea, out of the King's dominion, before the said master, owner thereof, shall come and bring the said grain and corn unto the key of the said town of *Bristol*, and there to be viewed or seen the contents thereof, and the contents thereof to be declared unto the King's customers, and to the mayor of the said town for the time being, if there be any such licence, or lawful cause for to convey or transport grain or corn into the parts beyond the sea out of the said King's dominion, there to be measured and mete by the common measure of the said town.

The penalty where one bringeth more corn to Bristol to be measured, and thence to be transported, than is contained in his license.

IV. And after the said obligation with condition so made, sealed and delivered unto the said customer, then the said customer shall deliver a sufficient cocket unto the party, owner or owners, or master so bounden, to convey the said grain or corn unto the key of *Bristol*, (2) upon pain that every picard, boat or other vessel so laden with grain, or other kind of corn, so to be carried or transported into the utter parts beyond the sea, out of the King's dominion, to be forfeited as well the said corn and grain so laden, as the said boat so laden, contrary to this present act, wherof the King our sovereign lord to have the three parts thereof, and the party that will sue for the same the fourth part, before the King's most honourable council, according to the King's proclamation in that behalf made and provided.

The penalty for denying the measuring of corn at Bristol.

V. And further be it enacted by authority aforesaid, That if it shall appear upon the measuring thereof, unto the mayor of the said town of *Bristol*, and to the King's customers then for the time being, that there is more corn or grain laded to be transported into the parts beyond the sea, within any of the said vessels, boats, picards or trows, over and above four quarters; then it shall be lawful unto the said mayor and customers there for the time being, to cause the owner and conveyer thereof unto the said town of *Bristol*, to make sale of such corn and grain as shall be brought, over and above the contents of the said cocket or license, and over and above four quarters beside the said cocket or license, according as the prices of such grain and corn are commonly worth and sold in the open market of the said town of *Bristol*; (2) the said common meter to have for the measuring of every weigh of corn ii. d. on pain of every person being owner of the said grain or corn, or having the charge of the same, denying the measuring of the said grain at the said key of *Bristol*, to lose and forfeit for every time so denying v. li. the one half thereof to be to our said sovereign lord the King, and the other half thereof to be to the party that will sue for the same in any court of record, by action or debt, information or otherwise; in the which action the defendant shall not wage his law, nor protection nor essoin be allowed.

VI. And

VI. And be it also enacted by the authority aforesaid, That no person or persons, after the first day of *August* next coming, do cast or unlade out of any manner of ship, crayer or any other vessel, being within any haven, road, channel or river, flowing or running to any port-town, or to any city, borough or river-town within this realm, or any other the King's dominions, any manner of ballast, rubbish, gravel, or any other wreck or filth, but only upon the land above the full sea mark, (2) upon pain that every person and persons offending this act, to lose and forfeit for every time so offending v. li. the one half to the King our sovereign lord, and the other half thereof to such person and persons as will sue for the same, by bill, plaint, original writ or information, in any of the King's courts of record, in which action or suit no wager of law shall be admitted, nor any essoin or protection allowed.

## CAP. X.

*The bill for making of coverlets in York.*

WHEREAS the city of York, being one of the ancient and greatest cities within the realm of England, afore this time hath been maintained and upholden by divers and sundry handicrafts there used, and most principally by making and weaving of coverlets, and coverings for beds, and thereby a great number of the inhabitants and poor people of the said city, suburbs thereof, and other places within the county of York, have been daily set on work in spinning, carding, dying, weaving, and otherwise concerning the making of them, to the great commodity of the inhabitants and poor people of the said city, having thereby benefit livings, and not made elsewhere in any part of the same county; (2) for the true, substantial, and perfect making wherof, many good and beneficial ordinances and orders have been devised and made, as well for the good stuff, concerning the said coverlets and coverings, as also for the length and breadth of them and otherwise; (3) of the which coverlets and coverings the best sort should and ought by the same ordinances to contain in length three yards, and in breadth two yards and a quarter at the least; (4) the second sort to contain in length three yards, and in breadth two yards; (5) and the lowest or third sort should contain two yards and a half in length, and in breadth one yard and three quarters; under pain of forfeiture of the same; the one half and moiety of the said forfeiture to be to the mayor and commonalty of the said city, and the other moiety to be to the wardens and company of the said handicraft of coverlet-makers.

The assize of coverlets made in York, and where they shall be sold.

II. And forasmuch as the same coverlets and coverings were well and substantially made and wrought, the King's subjects of divers parts of the realm, and also strangers of other foreign realms knowing the goodness of them, were very desirous to have and buy the said coverlets and coverings; (2) and now of late divers and sundry evil disposed persons, apprentices not expert in the same occupation, withdrawing themselves out of the said city of York into the county of York and other places thereabouts, and also divers other persons in-

habiting

None in  
Yorkshire  
shall make co-  
verlets but  
they which  
dwell in York.

*habiting in villages and towns within the said county, and nigh to the same, intermeddling with the same craft or occupation, having little experience therein, not being bound to the said rules and ordinances, do daily make coverlets and coverings, neither of good stuff, nor of good assize, length or breadth, and for the utterance of the same use daily the craft and subtilty of hawking abroad in the country, to villages and to mens houses, putting the same naughty ware to sale secretly, not only to the great impoverishing of the inhabitants of the said city, and also to the great deceit of the King's true and faithful subjects buying the said coverlets, to the great defaming and slander of the said handicraft, but also to the impoverishing of the inhabitants of the said city, and utter decay of the same, if remedy the sooner herein be not provided:*

In what places  
only coverlets  
made in York  
shall be put to  
sale.

(3) It may therefore please our sovereign lord the King, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, that it may be enacted by the authority of the same, That no manner of person or persons dwelling and inhabiting within the said county of York, or nigh unto the same, shall, after the feast of St. Michael, the archangel next coming, make any coverlets or coverings to be put to sale, unless such person or persons, after the said feast, be inhabiting or dwelling within the city of York, or within the suburbs of the same, upon pain of forfeiture of every such coverlet or covering made, wrought and put to sale, contrary to the tenor of this estatute, or the value thereof.

III. And be it further enacted by the said authority, That no manner of person or persons of the occupation of handicraftsmen of coverings or coverlet-makers, dwelling within the said city of York, or the suburbs of the same, or elsewhere within the said county, shall from and after the said feast use the said craft of hawking, or go as hawkers, or put to sale any coverlets in any other place or places out of the said city and liberties thereof, but only in the open markets and fairs, (2) upon pain of forfeiture of the same coverlets and coverings, or the value thereof; the one half of the said forfeitures, if it be in any city, borough or town corporate, to be to the mayor and commonalty, bailiff, governor or other ruler and commonalty of every such city, borough or town corporate, authorized to have the same by grant or prescription or otherwise lawfully; and the other half thereof to such person or persons as shall seize or sue for the same by bill, plaint, action, information or otherwise, in any court of record, wherein no wager of law, dilatory plea, or protection shall be allowed or admitted.

IV. And if the said forfeiture happen to be taken or found out of the said cities, towns or boroughs, having no such authority, then the one moiety of the said forfeiture to be to our sovereign lord the King, his heirs and successors, and the other moiety to such person and persons as will sue for the same in any of the King's courts, in form aforesaid.

Searching for  
coverlets not  
well wrought,

V. And be it also enacted by the authority aforesaid, That the wardens and searchers of the said occupation and handicraft of coverlets and covering-makers within the said city of York for  
the

the time being, and their successors, shall, after the said feast of St. Michael, have full power and authority, by virtue of this act, to make search in all fairs and markets from *Trent* northward within this realm of *England*, for all such coverlets and coverings as shall be put to sale, not being well and sufficiently wrought, and made of sufficient stuff, or not containing the assizes before limited and expressed, according to the tenor of this act, (2) and to seize and take the same as forfeited; the one moiety and half of such forfeiture, if any such shall be of out of the said cities, boroughs or towns corporate, to be to our sovereign lord the King, and the other moiety thereof to be to the said searchers and wardens that shall seize and take the same; to be had and recovered in like manner and form as is afore rehearsed.

VI. Provided always, That it shall be lawful to every person and persons dwelling within the county of *York*, at their free will and pleasures, at all times hereafter to make coverlets of what assize, or of whatsoever stuff they will, for their own use or store of their households, or for their lords to whom they be tenants: so always, that the same coverlets so made shall not be put to sale.

Coverlets made for themselves or their lords.

VII. And also, That when and as often as the said searchers or wardens of the occupation of coverlet-makers of the said city of *York* shall make search in any liberties or franchises within the said county, for any the causes in the said act mentioned; that then and so often they shall require the head officer of the same liberties and franchises, or his deputy, to be aiding and assisting, and also to go with them to make the said search. (2) And if the same officer or his deputy, upon request so made, refuse or will not so do, that then upon such denial and refusal, the same searchers or wardens to make search themselves; any thing in this act contained to the contrary notwithstanding.

VIII. Provided also, That the lords of the said liberties and franchises, where any such searches shall be made by authority of this act, shall have such fines and forfeitures, as of right they ought to have by reason of any such searches, in as large and ample manner as they ought to have had the same before the making of this act, and as if this act had never been had nor made,

Where lords of franchises shall have the benefit of forfeitures.

### CAP. XI.

The weight, length, breadth and goodness of *Welsh* frizes and cottons made in the shires of *Carmarthen*, *Cardigan* and *Pembroke*, in *Wales*, and the forfeiture for default thereof,

REP. 5 & 6.  
Ed. 6. c. 6.  
8 Eliz. c. 12.  
f. 8.

### CAP. XII.

An act for the paying of certain lanes and streets in *London*.

## CAP. XIII.

*An act for making of knights and burgeses within the county and city of Chester.*

**T**O the King our sovereign lord, in most humble wise shewn unto your excellent Majesty, the inhabitants of your Grace's county palatine of Chester, That where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgeses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses and damages, as as well in their lands, goods and bodies; as in the good, civil and politic governance and maintenance of the common wealth of their said country: (2) And forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said Highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities and boroughs have been, that have had their knights and burgeses within your said court of parliament, and yet have had neither knights ne burgeses there for the said county palatine, the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties and privileges of your said county palatine, as prejudicial unto the common wealth, quietness, rest and peace of your Grace's most bounden subjects inhabiting within the same: (3) For remedy whereof, it may please your said Highness, that it may be enacted, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from the end of this present session the said county palatine of Chester shall have two knights for the said county palatine, and likewise two citizens to be burgeses for the city of Chester, to be elected and chosen by procefs to be awarded by the chancellor of England unto the chamberlain of Chester, his lieutenant or deputy for the time being; (4) and also like procefs to be made by the said chamberlain, his lieutenant or deputy, to the sheriff of the said county of Chester; (5) and the same election to be made under like manner and form, to all intents, constructions and purposes, as is used within the county palatine of Lancaster, or any other county and city within this realm of England: (6) which said knights and burgeses, and every of them so elected and chosen, shall be returned by the said sheriff into the chancery of England in due form, and upon like pains as it is ordained that the sheriff or sheriffs of any other county within this realm should make their return in like case; (7) and which said knights and burgeses, and every of them so elected and returned, shall be knights and burgeses of the court of parliament, and have like voice and authority to all intents and purposes as any other the knights and burgeses of the said court of parliament have, use and enjoy; (8) and in like wise, shall and may take all and

The county of Chester shall have 2 knights for the shire and the city of Chester. 2 burgeses for the parliament.

every such like liberties, advantages, dignities, privileges, wages, fees and commodities concerning this said court of parliament, to all intents, constructions and purposes, as any other the knights and burgeses of the said court shall, may, or ought to have, take or enjoy.

II. And also where it is and hath been used within the said county palatine, that upon the suggestion of any person that is or hath been indebted to any other person or persons coming to the exchequer within the said county palatine; and there taking a corporal oath, that he or they shall pay his or their creditors at such time as he or they shall be able thereto, the officers of the said exchequer have used without warrant to grant out of the same exchequer a writ in nature of a protection, whereby the said creditors have been and be greatly delayed, and in a manner defrauded of their said debts, to the great impoverishment and undoing of the said creditors: (2) For reformation whereof, it may also please your said Highness that it be enacted by the authority aforesaid, That no such writ, of course without a special warrant from your said Highness, your heirs or successors, containing any such protection, be from the first day of October which shall be in the year of our Lord God 1543, granted; but that all and every such writs of course after the said day to be granted, to be void and of none effect; any custom, use or privilege to the contrary hereof notwithstanding.

No writ of course in the nature of a protection shall be granted in the county palatine of Chester.

#### C A P. XIV.

*An act for a certificate of convicts to be made into the King's bench.*

**W**HERE before this time divers persons have been indicted, arraigned and attainted, and some of them clerks convicted, and some of them clerks attainted, and some of them outlawed for murder, burglary, robbery and other felonies, before justices of the peace, justices of gaol-delivery and justices of Oyer and Determiner, within divers cities, counties, franchises and liberties within this realm, the records of which attainders, outlawries and convictions, often and many times by negligence of the clerk of the crown, clerks of peace, clerks of assize, and such other as have had the order, rule, keeping and governance of the same records, have been imbezelled and not ready to be objected against such persons as have been newly arraigned before our sovereign lord the King in his bench, or before other the King's justices, for like and such other offences by them committed or done; (2) and for that it hath not been certainly known whither to resort for the same records, because they were not certified into any place certain, (3) by reason whereof sometime such persons and like offenders, which have been newly arraigned, as is aforesaid, have had the benefit of his or their clergy where they ought not, ne should have had the same, if the said records had then been present in the same place where such person or persons were so newly arraigned, or else certified into some other place certain, where the same records might have been seen, sent for or written for, to have been objected against such person

3 Inst. 215.  
12 Co. 31, 109.

or persons so newly arraigned; (4) whereby as well the King our sovereign lord, as also all other persons, have many times lost their escheats, and other advantages and forfeitures that they should have had by mean of the said attainders, to the great losses both of our said sovereign lord the King and other persons; and also the same offenders have had their clergy where they ought not so to have had, to the great boldness and encouraging of like offenders.

Clerks of assise, &c. shall certify into the King's bench the names of such as be outlawed, attainted or convicted of felony.

II. In consideration whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the clerk of the crown, clerks of the peace, and clerks of assise for the time being, where any such attainer, outlawry or conviction shall be so had, shall from the feast of *Pentecost* next coming, not only certify a transcript briefly and in few words, containing the tenor and effect of every such indictment, outlawry or conviction, and clerk attainted before them so to be had, made or pronounced, that is to say, the name, surname and addition, of every such person or persons as shall be so indicted, and thereupon outlawed, convicted or clerk attainted, and the certainty of the said felony or other offence whereupon he or they shall be so outlawed, convicted or clerk attainted, and the day and place of his outlawry, conviction and attainer, and the day and place where and when the said felony or other offence, whereupon the said person or persons shall be so indicted, outlawed, convicted or clerk attainted, shall be made and done, before the King our sovereign lord in his bench at *Westminster* in the county of *Middlesex*, there to remain of record for ever amongst other the King's records there, within forty days next after any such attainer, conviction or outlawry shall be had, made or pronounced, if the term be then; and if not, then within twenty days next after the beginning of the term next following the said forty days; but also shall deliver a transcript of every such indictment whereupon the said person and persons shall fortune hereafter to be convicted, or clerks attainted, to the ordinary to whom the body of the said person or persons shall be so committed; (2) the said ordinary paying to every such clerk as shall write the said transcript, for every copy of such indictment xij. d. for his pains, (3) upon pain that every clerk of the crown, clerk of the peace and clerk of assise for the time being, before whom such indictment, attainer, outlawry or conviction shall be so had, made, pronounced or remain, for the non-certifying of every such record, and delivering the copy of such indictments to the said ordinaries according to this estatute, to lose and forfeit xl. s. the one moiety thereof to be to the King our sovereign lord, and the other moiety to him that will sue for the same by action of debt, bill, information or otherwise, in any of the King's courts of record, wherein no wager of law, essoin or protection shall be allowed. (4) And the clerk of the crown in the King's bench shall receive the said certificates and transcripts at such time as they shall be tendred and profered unto them by the said clerks of the crown, clerks of the peace and clerks of assise, or by their deputy

A transcript of an indictment delivered to the ordinary.

The clerk of the crown shall receive the certificates.

deputy or deputies, without taking any thing for the same, upon pain of forfeiture of the sum of forty shillings for every such certificate by him refused.

III. Provided always, and be it further enacted by the authority aforesaid, That if there be any more persons contained and named in any such indictment, other than such person so attainted, convicted, or outlawed, that then such clerk of the crown, clerk of assize, clerk of the peace, with whom the record of such attainder, outlawry or conviction shall remain, shall, within the time before in this act limited, certify the transcript of such indictment, outlawry or conviction, only concerning such person or persons so indicted, attainted, outlawed or convicted, into the King's bench at *Westminster*, as is aforesaid; (2) which transcript so certified, shall be had and taken as good, effectual and available in law, to all intents, constructions and purposes, against such person and persons against whom it shall be so objected, alledged or pleaded, as if the very record thereof, whereupon he or they were so indicted, were there present.

No more names shall be certified than are attainted, convicted, &c.

IV. And be it enacted by the authority aforesaid, That the said clerk of the crown in the King's bench for the time being, shall at all such times as the justices of the gaol-delivery, or justices of peace in every county within this realm of *England*, do write unto him for the names of such persons which be so attainted by outlawry, or clerks attainted or convicted, and certified into the said bench of our said sovereign lord the King, shall incontinently without delay certify the said names and surnames of the said persons, with the causes why and wherefore they were convicted or attainted, unto the justices of gaol-delivery, or justices of peace, upon the pain and penalty to forfeit for every name of such persons which shall be so written for, and not certified by the said clerk of the crown of the King's bench to the said justices, xl. s.

The clerk of the crown shall certify the names of convicts to the justices.

V. Provided always, and be it further enacted, That this act nor any thing therein contained shall not extend to the clerks of the crown, clerks of the peace, clerks of gaol-delivery, neither to any of the prenotaries within the counties of *Wales* and *Chester*, or within the counties palatines of *Lancaster* and *Duresme*, or any of them, to make any transcript of any such attainder, conviction or outlawry of any person or persons convicted, attainted or outlawed before the King's justices of his counties of *Wales* nor *Chester*, or county of *Lancaster*, *Duresme*, or any of them; but that the same records shall and may remain and be in the custody and keeping of the said clerks and prenotaries, in such manner and wise as they are at this day; this act or any thing therein contained to the contrary notwithstanding.

No certificate out of *Wales*, *Chester*, *Lancaster*, *Duresme*, *Durham*.

C A P. XV.

All gifts, grants and writings to be made by the bishop of *Bath* and *Wells*, under his seal, of any his lands, offices, fees, &c. and confirmed by the dean and chapter of *Wells* in writing under their chapter seal, shall be good in law to bind the successors

successors of the said bishop: and the dean and chapter of *Wells* shall be for ever the entire and sole chapter of the said bishoprick of *Bath* and *Wells*, wherof the prior and convent of the dissolved monastery of *Saint Peter and Paul* of *Bath* were heretofore the half part.

## CAP. XVI.

*An act for sheriffs to be discharged upon their accounts, and to have allowances for their reasonable expences in the court of exchequer.*

This act is repealed in part, and seems to be continued in part, by 2 & 3 Ed. 6. c. 4. Sheriffs, upon their accounts made in the exchequer, shall be discharged of such sums of money which they will testify by their oaths they cannot levy; and they shall have allowances for the diet of the justices of assize, clerk of assize, and other their reasonable expences.

**I**N most humble wise beseech the King's majesty his true and faithful subjects, the commons in this present parliament assembled, that where the sheriffs for the most part of the counties within this realm of England stand and be charged and chargeable toward his Highness, by reason of their said offices of sherriffooke, with divers ancient ferme annexed unto the corps of the same counties; that is to say, with one ferme demanded of the sherriff of every of the said counties for the time being, in one whole sum under this title, *De vic. de rem. firm. com. post terr. dat. which ferme did; and yet partly doth, grow and accrue, as well of the issues and profits of such lands and tenements, as from the conquest unto the xi. year of the reign of King Edward the First, did remain in the hands of the King's most noble progenitors, and some of them do also yet remain in the hands of the King's majesty, under the charge and custody of the sherriffs of the same counties for the time being, as parcel of the ancient demesnes and inheritances of the crown of England, not granted or given away, as also rents of assise, rents called common fines, sherriffs aids, and of other rents certain, belonging to the same ferme. And the other ferme demanded likewise in another whole sum; videlicet, De vic. de firmo proficuo com. which ferme did and yet partly doth rise and grow of the perquisites and profits of the courts holden by the sherriffs at the county days, sherriff turns and hundreds, and of divers other casualties and profits, yearly happening and falling within the hundreds and wapentakes of the said several counties, parcel of the corps of the same counties of old time annexed to the said crown of England; and also stand and be charged and chargeable by reason of their said offices, with divers sums of money demanded of them severally for the fermes of divers parishes, of serres, sergeantes, and minute rents, and other fermes enacted and demanded of the sherriff under the title or name of the sherriff, as in the rolls, and Memoranda of the King's court of his exchequer, more plainly it may appear; which fermes, and other sums of money before rehearsed, be not, nor of long time have been, wholly levied or gathered by any of the said sherriffs; but part of them have been yearly left and not collected, partly because of the said sherriffs in times past have forborn to ask or demand the same, or for to restrain therefore, so that it is now not certainly known what lands or persons should be charged or chargeable therewith; and partly because great part of the lands and tenements, hundreds and wapentakes, out of wherof part of the rents and profits belonging to the said several fermes did issue and grow, have been given by the King's highness, or his noble progenitors, to sundry persons, discharged of the same rents and profits, and yet none al-*

lowance

*lowance or deduction hath been required nor made thereof. And now of late divers manors, lands, tenements, rents, suits, services, hundreds, wapentakes, tithes, and rapes which were also chargeable with certain rents, fermes and profits, parcel of the said fermes before rehearsed, been come unto the possession of the King's majesty, by the gift, grant, dissolution, surrender or attainder of divers late monasteries or houses of religion, late surrendered, dissolved, or otherwise come to his Majesty's hands, by occasion whereof the said rents, fermes and profits, which did come and grow out of the same, been now clearly extinguished and determined; by reason whereof the said sheriffs have heretofore sustained, and from henceforth been like to sustain much more loss and damage in the said fermes, and charges before rehearsed, upon the determination of their accounts in the King's court of his exchequer, than they were wont to do, unless some good remedy be the sooner provided for them in this behalf. It may therefore please the King's most excellent highness, that it be enacted, ordained and established by his Majesty, with the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from henceforth all and every person, which now is, or hereafter shall be, sheriff or sheriffs of any county or counties accountable or answerable in the exchequer, shall at his day of prescription, immediately after he is sworn to account of the issues and profits of his office of sherifflike, and every other person, which of late have been sheriff or sheriffs of any of the said counties, and have no *taille* of reward, nor have not yet determined his or their account, or otherwise be discharged or pardoned thereof, shall in the same term that he taketh his oath to account, be sworn by himself, or by his attorney or deputy sworn for him, when he shall answer before the lord treasurer, chamberlains, chancellor and barons of the said exchequer; or in the absence of the said lord treasurer, chamberlains or chancellor, or any of them, then before such of the lord treasurer, chamberlains, chancellor, and of the said barons, as then shall happen to be present in the said court, to bring in and deliver into the said court, rolls or schedules of parchment, containing in them truly without omission or concealment, all such particular sums of money which he hath levied or lawfully might have levied to his writing or knowledge within his bailiwick, as part or parcel of the said ancient fermes, and the other fermes before rehearsed, making express and distinct mention in the same rolls or schedules, as near as he or they can or may, of what person, and in what lands and tenements, and for what cause the same particular sums, and every of them, be levied or leviable toward the making of the same ferme, or any of them; and that after the same rolls or schedules so delivered, and the particular sums of money in them contained, appertaining to their proper fermes, cast and rated before the lord treasurer, chamberlains, chancellor and barons, or before the said barons in the absence of the lord treasurer, chamberlains, or chancellor for the time being, or any of them; the same lord treasurer, chamberlains, chancellor, and*

and the said barons, or the said barons in the absence of the said treasurer, chamberlains or chancellor, or any of them for the time being, shall have full power and authority by this act, to make allowance, exoneration, and deduction in the said open court, from time to time, by their discretions, to every such person, in every of the said fermes, of so much money as the said fermes shall be more than the said particulars so apportioned and contained in the said rolls or schedules, do amount unto; and for reviving and recovery of such parcels belonging to any of the said fermes, or other the premises, omitted out of the said rolls or schedules, and for saving of other the King's ancient rights and inheritances, answerable in the said exchequer, which be now wrongfully withdrawn, and unjustly withholden from his possession; the lord treasurer, chamberlains, chancellor and barons of the said exchequer, or the same barons in the absence of the said treasurer, chamberlains and chancellor, or any of them, shall from time to time award such process, and use such convenient ways and means by commission, or otherwise, according to the course of the said exchequer, and further as shall be devised by their discretion, so that the King, his heirs and successors may be truly answered of the issues and profits of the same, without other warrant to be pursued and obtained for the premises, or any part thereof; any estatute, act, ordinance, or use heretofore to the contrary, had, made or used, in any wise notwithstanding.

II. *And furthermore, where divers and sundry sums of money been respected to any persons, which have been sheriffs of the said counties before this time, upon their accounts yelden in the King's said court of his exchequer of the foresaid fermes and other vicounties, upon divers petitions in the said court, for so much as they nor any of them could nor might levy the same by virtue of the summons of the said exchequer, for such causes as the same late sheriffs have alledged in their said petitions, as by the same petitions more plainly doth appear: be it therefore enacted by the authority aforesaid, That all and every the said late sheriffs, upon their oaths taken in the said courts, that the causes alledged in the same petition be true, and the same causes examined in the same court accordingly, be by virtue of this present act clearly acquitted and discharged against the King's majesty, and his heirs and successors for ever, of all and every such sum and sums of money, so not levied nor leviable, but in respect, as is before rehearsed. And thereupon such like process to be awarded by the said court, and such convenient ways and means by commission and otherwise to be had, according to the course of the said exchequer, from time to time, as shall be advised by the said lord treasurer, chamberlains, chancellor and barons, or in the absence of the said lord treasurer, chamberlains or chancellor, or any of them, by the said barons, and by as many of the said lord treasurer, chamberlains and chancellor, as then shall happen to be there present, without either warrant or suit in that behalf to be had.*

III. *And forasmuch as the sheriffs of the said counties for the time being, shall sustain and support divers charges, by reason of their said office of sherifswick; as in executing the King's writs and summons, and levying all sums of money contained in the extreats within their counties, and in coming to the exchequer to make their profers and views of their accounts, and make payment of all that shall be due upon every of their views and accounts, and other divers costs and charges concerning the same office of sherifswick, without having from henceforth any taillie. or tailles of reward, portage or other allowance towards their said charges. And where also divers of the said sheriffs heretofore have used at their own costs to bear yearly the charges of the expences of the King's justices of assises, Nisi Prius, general and special gaol-deliveries, and Oyer and Determiner, and of their clerks of assises and servants at the same sessions, at their coming two times in the year, during such time as the said justices remain and serve the King's highness there, without having heretofore any recompence or allowance for the same. And to the intent that every of the said sheriffs for the time being, may and shall hereafter be more able diligently to serve the King in his or their said offices, without taking any unlawful exactions of the King's subjects, and also better to make provisions for the justices, and their company in their circuits, having aid of the King towards their said charges and expences: the King's highness, of his liberality, in consideration of the same charges, so to be sustained by the said sheriffs, is contented and pleased that it be enacted by his Highness, with the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every of the said sheriffs, coming to his accounts in the said exchequer, shewing a bill subscribed with the hands of the said justices, or of such of them as shall be present at the said assises and sessions, making plain mention of the days and time that the said justices did abide or remain in the same county at the costs of the said sheriffs, in or about the King's said affairs and businesses, shall have allowance as well hereof as for other his said reasonable costs, upon his or their accounts in the said exchequer, by the discretion of the said lord treasurer, chamberlains, chancellor and barons, and in the absence of the said lord treasurer, chamberlains, chancellor or any of them, by the said barons, and by as many of the said lord treasurer, chamberlains and chancellor, as them shall happen to be there present, by authority of this present act, without other warrant, or any further suit to be had or made in this behalf; so that all the allowances for the costs above said, to all the sheriffs, do not amount in any one year above the sum of three hundred forty and two pounds six shilling and eight-pence: this act to continue and endure only to the end of the next parliament.*

37 H. 8. c. 23.

CAP.

## CAP. XVII.

*An act for bishops newly erected, to pay their tenths in the court of the first-fruits and tenths only.*

26 H. 8. c. 9.  
It was enacted,  
That the King  
should have a  
yearly tenth  
of all spiritual  
promotions.  
22 Co. 45.

**W**HERE in the parliament begun and holden at London the third day of November in the twenty-first year of the reign of our most dread sovereign lord King Henry the Eighth, and from thence adjourned to Westminster, and there holden and continued by divers prorogations until the dissolution thereof, it was among other things established and enacted, That the King's majesty, his heirs and successors, for the augmentation and maintenance of the royal estate of his imperial crown and dignity of supreme head of the church of England, should yearly have, take, enjoy and receive, united and knit unto his imperial crown for ever, one yearly rent or pension amounting to the value of the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, then appertaining or belonging, or that afterward from thenceforth should belong, to any archbishoprick, bishoprick, abbacy, monastery, priory, archdeaconry, deanry, hospital, college, house, collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, or other benefice or promotion spiritual, of what name, nature or quality forever they were, within any diocese of this realm, or in Wales; (2) the said pension or annual rent to be yearly paid for ever to our said sovereign lord, to his heirs and successors, Kings of this realm, at the feast of the nativity of our lord God, as by the same act, among divers other things therein contained, more plainly is shewed and may appear.

31 H. 8. c. 45.  
The King's  
court of first-  
fruits was  
erected.

II. And where also at the parliament begun at Westminster the twenty-eighth day of April in the thirty-first year of our said sovereign lord the King's most gracious reign, and afterward continued by divers and sundry prorogations until the dissolution thereof, there was by authority of the said parliament erected and established a certain court, called The court of the first-fruits and tenths.

III. And it was further enacted by the authority of the said parliament, That the said first-fruits and tenths, and all the revenues and profits thereof, which then were, or hereafter from thenceforth should grow on, be by any manner of means, should be from thenceforth in the order, survey, and governance of the said court of the first-fruits and tenths, and the ministers of the same, as by the said act, amongst divers other things therein contained, plainly appeareth. (2) Since the making of which said act, our said sovereign lord, of his most gracious and blessed disposition, by his most gracious letters patents, hath made, erected, incorporated, and established, within this his realm, divers and sundry bishops, and sees of bishops, that is to say, John now bishop of Chester, John now bishop of Gloucester, John now bishop of Peterborough, Paul now bishop of Bristol, and Robert now bishop of Oxford; and by the same his several and sundry letters patents hath sundrily and severally given and granted unto the said bishops divers and sundry manors, lands, tenements and hereditaments; (3)

Five new bi-  
shopricks  
erected by the  
King's letters  
patents.

in which said several letters patents there been reserved unto his Highness, his heirs and successors, certain yearly rents and pensions, amounting to the tenth of the same manors, lands, tenements and hereditaments, so severally given to the said several bishops, to be paid and payable yearly in our said sovereign lord the King's court of augmentations of the revenues of his crown, as in the said several letters patents more plainly appeareth. . . (4) And forasmuch as by the said former statutes the said bishops been compellable every one of them to pay the tenths of his or their possessions annexed to their several bishopricks, in our said sovereign lord the King's court of first-fruits and tenths, the said bishops be and shall be double charged and chargeable with the payments of the said rents and pensions, reserved and to be paid as is aforesaid, for that, that the payments thereof in one of the said courts is no discharge in the other, contrary to the true intent and meaning of the King's highness, and to the great hurt and decay of the said bishops and their successors, if speedy remedy be not therefore provided: (5) For reformation whereof, be it enacted and ordained by authority of this present parliament,

The bishops of Chester, Gloucester, Peterborough, Bristol and Oxford, shall pay their tenths in the court of first-fruits.

That all the yearly rents, tenths and pensions, as is or be above rehearsed, reserved in and by all and singular the King's highness said several letters patents, made of any manors, lands, tenements, personages appropriate, or other hereditaments whatsoever they be, sithen the twenty-eighth day of April in the said thirty-first year of the reign of our said sovereign lord, to any of the said several bishops, shall, from the first day of May next coming, be in the rule, governance, and survey of the said court of first-fruits and tenths. (6) And that all such and the same rents, pensions and tenths, shall be from the said first day of May payable, and always paid, in the said court of first-fruits and tenths, and not elsewhere, nor in any other court or place; any thing rehearsed in the said several letters patents, or in any of them, or any act, statute, or law had, made, or used to the contrary thereof notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the said bishops, nor their successors, ne any of them, shall at any time hereafter be impeached or sued in the said court of first-fruits and tenths, of or for any tenth, yearly rent, or pension, reserved in or by any of the said several letters patents, which now is, or before the said first day of May next coming shall be, due unto the King's highness; (2) and that all and singular process and suits now had and pursued, or hereafter on this side the said first day of May to be had or sued out of the said court of first-fruits and tenths, against any of the said bishops newly erected and made, as is aforesaid, of, for, or concerning only any yearly rent, pension, or tenths, reserved upon or by any of the letters patents, shall cease and be clearly void to all intents and purposes.

Repealed by 2 & 3 Ph. & M. c. 4. and revived by 1 El. c. 4.

#### CAP. XVIII.

A confirmation of all liberties granted by the King, or any of his progenitors, to the mayor and aldermen of *Canterbury*, which

which the King may resume upon cause. No foreigner, not being free of the said city, shall buy or sell any merchandise (saving victual) to another foreigner; nor shall keep any shop, nor use any mystery within the said city, or the liberties thereof; without the licence of the mayor and aldermen, or the major part of them, in writing under their seal, upon pain to forfeit vj. s. viij. d. for every offence to the said mayor and aldermen, to be recovered by action or distress, &c.

## C A P. XIX.

*An act for the payment of pensions granted out of the late abbies.*

A rehearsal of the statute of 31 H. 8. c. 13. touching the dissolution of monasteries.

**W**HERE the archbishops, bishops, archdeacons, and the other ecclesiastical persons, of both the provinces of Canterbury and York within this realm of England, have heretofore, in the right of their churches, had and received out of the late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friers, and other religious and ecclesiastical houses and places now dissolved, and out of the manors, lands, tenements, and hereditaments belonging to the same, divers pensions, portions, corrodiæ, indemnities, synodies, proxies, and other profits: (2) and where also in the parliament begun and holden at Westminster the twenty-eighth day of April in the thirty-first year of the reign of our sovereign lord Henry the Eighth, by the grace of God King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, the supreme head, it was ordained and enacted by the authority of the same parliament, That as well the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friers, and other religious and ecclesiastical houses, and places, with the manors, lands, tenements, hereditaments, and other profits belonging unto the same late monasteries, abbathies, priories, and other religious and ecclesiastical houses and places as then were, or then hereafter should come unto the King's highness hands, should be vested, deemed, and adjudged in the actual and real possession and seisin of the King's highness, his heirs and successors.

A rehearsal of the saving in the said statute of 31 H. 8. specified.

**II.** Saving to all and every person and persons, and bodies politick, and their heirs and successors, and the heirs and successors of all and every of them, other than the late abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friers, and other religious and ecclesiastical houses and places, and their successors, and the successors of every of them, and such as pretend to be founders, patrons, or donors of such monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friers, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements, or other hereditaments belonging to the same, or to any of them, their heirs and successors, and the heirs and successors of every such founder, patron or donor, and the then abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of such monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friers, and other religious and ecclesiastical houses

houses and places, which then hereafter should happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the King's highness, and such as pretend to be founders, patrons, or donors of such monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements or other hereditaments to the same belonging, or to any of them, their heirs and successors, and the heirs and successors of every of them, (2) all such right, title, claim, interest, possession, rents, charges, annuities, leases, farms, offices, fees, liveries, livings, portions, pensions, corrodies, commons, synodics, proxies, and other profits, which they or any of them have, claim, ought, may, or might have had in or to the premises, or to any part or parcel thereof, in such like manner, form and condition, to all intents, respects, constructions and purposes, as if the same act had never been had nor made (rents-services, rents-secck, and all other services and suits only except) as by the same act, among divers other things therein contained, more plainly is shewed, and may appear.

III. And yet notwithstanding the said general saving contained in Pensions, the said act, the said archbishops, bishops, archdeacons, and other ecclesiastical persons of both the said provinces of Canterbury and York be, synodics, and sithen the making of the said act have been, disturbed and denied of the having, receiving, and gathering of the said pensions, portions, corrodies, indemnities, synodics and proxies, with other profits belonging unto them, by divers of the farmers and occupiers of great part and parcel of the said manors, lands, tenements, and hereditaments of the said late monasteries, and other ecclesiastical houses and places, or being parcel of the possessions of them, and have no direct mean to obtain, recover, or come to the same, not only to their great hurt and damage, but also like to grow and be to the great loss and disherison of the King's majesty, concerning his first-fruits and tenths:

IV. For reformation whereof, be it ordained, established Pensions, &c. and enacted by the King's highness, with the assent of the due out of religious lands, lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, dissolved shall be paid to bishops, archdeacons, &c. That if any person or persons being farmer or occupier of any manors, lands, tenements, parsonages, benefices, or other hereditaments of any the said late monasteries or ecclesiastical houses or places, or belonging to them or any of them, by the King's highness gift, grant, sale, exchange or otherwise, by the occupiers of the same lands, out of which premises any such portions, pensions, corrodies, indemnities, synodics, proxies, or any other profits, have been heretofore lawfully going out, answered or paid to any of the archbishops, bishops, archdeacons and other ecclesiastical persons abovesaid, do, at any time after the first day of April next coming, wilfully deny the payment thereof, at the days of payment heretofore accustomed, of any of the said pensions, portions, corrodies, indemnities, synodics, proxies or any other profits, whereof the said archbishops,

bishops, archdeacons or other ecclesiastical persons were in possession at or within ten years next before the time of the dissolution of any such monasteries or other ecclesiastical houses or places; that then it shall be lawful for the same archbishops, bishops, archdeacons or other ecclesiastical persons aforesaid, being so denied to be satisfied and paid thereof, and having right to the same thing in demand, to make such process as well against every such person and persons as shall so deny payment of the same pensions, portions, corrodies, proxies, indemnities, synodics or any other profits which of right ought to be paid, as is aforesaid, as against the church or churches charged with the same, as heretofore they have lawfully done, and as by and according to the laws and statutes of this realm they may now lawfully do, for the true payment and recovery thereof; (2) and if the party defendant be lawfully convicted in any such suit, cause or matter, according to the ecclesiastical laws, then the party plaintiff shall have and recover against the party defendant the thing in demand, and the value thereof in damages, with his costs for his suit.

The remedy if the matter be determinable at the common law.

V. And be it further ordained and enacted by the authority aforesaid, That if it fortune the cause or matter of variance between any of the said parties be determinable at the common law, that then the party grieved to sue for his recovery and remedy therein at the common law; (2) and if the party defendant fortune to be by the course of the common law lawfully condemned to the party plaintiff, then the said party plaintiff shall likewise have and recover against the party defendant the thing in demand, and the value thereof in damages, with his costs for his suit.

The remedy where the King hath demised any land with covenant of discharge thereof.  
Hardress 388.  
Br. Recoverie 2, &c.

VI. Provided always, and be it enacted by the authority aforesaid, That all and singular such of the said archbishops, bishops, archdeacons and other ecclesiastical persons, which have right or title to claim, demand or enjoy any of the said pensions, portions, corrodies, indemnities, synodics or proxies against any person or persons, to whom the King hath made, or hereafter shall make in writing under seal, any sale, gift, grant or lease, for term of life, lives or years, of any of the said manors, lands, tenements, parsonages, benefices and other hereditaments charged or chargeable to or with any of the said pensions, portions, corrodies, indemnities, synodics or proxies, and also hath covenanted, granted, promised or agreed, or hereafter shall covenant, grant, promise or agree by the said writing to acquit, discharge or save harmless the same person or persons, of all pensions, portions, corrodies, indemnities, synodics and proxies, going out of the premises, or any parcel thereof, as be or shall be mentioned in the same writings, or any of them, shall sue for their remedy and recovery thereof in the court of the augmentations of the revenues of the King's crown, and not elsewhere; (2) and that the party defendant having any such discharge, being convented, called or sued in any other court or place, or before any other judge, for any the causes above-

abovesaid, shall be discharged and dismissed out of the same court or place without any thing paying for the same, by the only shewing forth any of the said writings sealed under any of the King's seals, proving or declaring the King to have covenanted, promised or agreed, to acquit, discharge or save harmless the said party defendant thereof; as is aforesaid; any thing contained in this act to the contrary notwithstanding.

## CAP. XX.

*An act to embar feigned recovery of lands wherein the King is in reversion.*

**W**HERE divers of the King's most noble progenitors, and especially the King our sovereign lord most liberally above all other, hath given and granted, or otherwise provided to his and their loving and good servants and subjects, as well nobles as other, manors, meases, lands, tenements, rents, services and hereditaments, to them and to their heirs males of their bodies, or to the heirs of their bodies lawfully begotten, minding at the time of such gifts not only to prefer and advance presently the donees, but also their heirs in blood of their bodies, according to the limitation of the said gifts; (2) to the intent that recompence for the service of such donees should not only be a benefit for their own persons, but a continual profit and commodity to and for their heirs coming of their bodies, whereby such heirs should have in special memory and daily remembrance the profit that they have and take by the service of their ancestors done to the King's of this realm, and thereby be the better encouraged to do like service to their sovereign lord, as to their duties of allegiance appertaineth. (3) And forasmuch as sundry such donees in tail and their heirs have suffered and daily suffer by their consents untrue and feigned recoveries to be had against them, with common voucher or otherwise, of manors, meases, lands, tenements or hereditaments so given, granted, or provided in tail, by the King's majesty or his noble progenitors, as is aforesaid, to the intent by fraud, covin and untrue means, not only to bind and defeat their heirs inheritable by the limitation of such gifts, but also the King of his prerogative, wardship, primer seisin and other his rights; (4) whereby questions and diversities of opinions have risen, and yet be, whether such feigned and untrue recoveries against such tenants in tail by their own consents, of lands, tenements or hereditaments, whereof the reversion or remainder is in the King at the time of such recovery or recoveries had, should after the death of the tenant in tail bind the heirs in tails or not.

II. For plain declaration whereof, and to avoid and extinct from henceforth diversities of opinions in such cases, be it ordained and enacted by authority of this present parliament, That no such feigned recovery hereafter to be had by assent of parties against any such tenant or tenants in tail of any lands, tenements or hereditaments, whereof the reversion or remainder, at the time of such recovery had, shall be in the King, shall bind or conclude the heirs in tail, whether any common voucher be had in any such feigned recovery, or not, but

The special reasons of the King's gifts of lands to certain persons in tail.

1 Anderf. 46, 141, 171.  
Hob. 299.  
Moor 195. pl. 344.

Common recoveries of lands in tail, whereof the King is in reversion, shall be void.

Moor 115. pl. 258.  
2 Roll. 417.  
Co. Lit. 372. b.  
Cro. El. 519.  
595.  
Dyer 32.  
2 Co. 15. 52.  
8 Co. 77.  
Br. Assuran. 6.  
Br. Discont. but de possession 32.

Br. Formedon but that after the death of every such tenant in tail, against whom any such recovery shall be had, the heirs in tail may enter, have and enjoy the lands, tenements and hereditaments so recovered, according to the form of the gift of intail; the said recovery, or any other thing or things hereafter to be had, done or suffered by or against any such tenant in tail to the contrary notwithstanding.

Neale ex dem. Duc. Athole v. Wilding in B. R. Pasch. 23 G. 2.

No recompence in value against the voucher.

The lessee of tenant in tail shall enjoy his term against the heir of his lessor.

III. And be it also further enacted by the authority aforesaid, That the heirs of every such tenant in tail, against whom any such feigned recovery shall be had, shall take no advantage for any recompence in value against the voucher nor his heirs.

IV. Provided alway, That this act, nor any thing therein contained, be in any wise prejudicial or hurtful to the lessee or lessees of any such tenant in tail, made or to be made by writing indented, of any manors, lands, tenements or hereditaments, for term of twenty-one years, three lives, or under, whereupon the accustomed rent or rents, or more, is or shall be reserved yearly during the said term and terms; but the same lessee and lessees shall and may have and enjoy his or their term and terms therein against the heir and heirs of every such tenant in tail, according to the tenor, purport and effect of the statute made in the thirty-second year of the reign of our sovereign lord King Henry the Eighth; any thing in this act contained to the contrary thereof notwithstanding.

32 H. 8. c. 28.

#### CAP. XXI.

This act is explained by 7 Ed. 6. c. 3. 4. & 5 Ph. & M. c. 1. 18 El. c. 2. 35 Eliz. c. 3. 43 Eliz. c. 1.

An act for the confirmation of lands obtained by the King's majesty by exchange or otherwise of his grace's subjects, or by his said subjects, of his Highness, notwithstanding the misrecital either of name, place or date.

#### CAP. XXII.

*An act that fines in towns corporate shall be made as the same have been in times past.*

32 H. 8. c. 28.

**W**HERE in the parliament holden in the thirty-second year of our most dread sovereign lord King Henry the Eighth, it was enacted by authority of the said parliament amongst other, That no fine, feoffment, or other act or acts, hereafter to be made, suffered or done, by the husband only, of manors, lands, tenements or hereditaments, being the inheritance or the freehold of his wife, during the coverture between them, shall in any wise be or make any discontinuance thereof, or be prejudicial or hurtful to the said wife, or to her heirs, or to such as shall have right, title or interest by the same by the death of such wife or wives; (2) but the same wife and her heirs, and such other to whom such right shall appertain after her decease, shall and may then lawfully enter into all such manors, lands, tenements and hereditaments, according to their rights and titles therein; any such fine, feoffment or other act, to the contrary notwithstanding. (3) Sithence the making of which act, divers doubts, questions and ambiguities have arisen, that is to say, whether the recoveries and deeds inrolled, which be in nature of fine, and whereupon women covert have been used to be examined, taken,

taken, had or acknowledged, as well within the city of London, as in many other cities, boroughs and towns within the realm of England, should bind all such women covert, that should happen to be examined upon the same recoveries and deeds enrolled: (4) In avoiding thereof of all such ambiguities and doubts, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all recoveries, deeds inrolled, and releases heretofore acknowledged and taken, or at any time hereafter to be taken and acknowledged, before the mayors, aldermen, recorders, chamberlains, or other head officer or officers, as well of the city of London, as of any other city, borough or town corporate within the realm of England, having power and authority to take and receive the same, according to the laudable usages and customs of the said cities, boroughs, and towns, and every of them, shall stand and remain of like force, strength and effect, to all intents and purposes, as they or any of them were before the making of the said act in the said thirty-second year of our said sovereign lord; any thing in the same contained to the contrary in any wise notwithstanding.

CAP. XXIII.

Judgment may be given against any the offenders of the statute of 31 H. 8. c. 8. by nine of the King's council,

CAP. XXIV.

A bill for the assurance of certain lands to John Hinde serjeant at law, and to his heirs, paying therefore yearly ten pounds towards the charges of the knights of the shire of Cambridge for the time being. The sheriff and two knights of the parliament for the county of Cambridge, incorporated by the name of the wardens of the wages, &c. Who shall have the x. li. rent payable out of the shire-manor. The remedy to recover the rent of x. li. if it be behind. A remedy for the rent if the land comes to the King's hands. A remedy for the wardens of the land recovered by covin. A saving of the right of others. The inhabitants of the county of Cambridge discharged of the knights wages,

CAP. XXV.

It shall be lawful to the mayor, burgesses and inhabitants of Pool in the county of Dorset, and to their successors, to erect a windmill in the King's waste ground and common, in the town of Baiter; (2) and a conduit-head in a place called Totnam, and to have sixteen foot square for the conduit-head; and to dig and draw in, by, through and upon all places meet and convenient, in, to and from the same, &c. yielding yearly to the King and his heirs, &c. one pepper-corn,

CAP. XXVI.

An act for certain ordinances in the King's dominion and principality of Wales.

OUR sovereign lord the King's majesty, of his tender zeal and affection that he beareth towards his loving and obedient

The force of recoveries, deeds inrolled, and releases acknowledged by women covert, in certain corporate towns. 18 Ed. 3. f. 29, 45 Ad. pl. 8.

Laws specially shall be made in Wales by

the officers  
there.  
10 Ed. 1. of  
Rytheland.

dient subjects of his dominion, principality and country of *Wales*, for good rule and order to be from henceforth kept and maintained within the same, whereby his said subjects may grow and arise to more wealth and prosperity, hath devised and made divers fundry good and necessary ordinancees, which his Majesty of his most abundant goodnes, at the humble suit and petition of his said subjects of *Wales*, is pleased and contented to be enacted by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, in manner and form as hereafter ensueth.

*Wales* divided  
into twelve  
shires.  
17 H. 8. c. 26.

II. First, That his Grace's said dominion, principality, and country of *Wales*, be from henceforth divided into twelve shires; (2) of the which eight have been shires of long and ancient time, that is to say, The shires of *Glamorgan*, *Caermarthen*, *Pembroke*, *Cardigan*, *Flint*, *Caernarvan*, *Anglesey*, and *Merioneth*; (3) and four of the said twelve shires be newly made and ordained to be shires, by an act made at the parliament holden at *Westminster* in the twenty-seventh year of our said sovereign lord's most noble reign, that is to say, the shires of *Radnor*, *Brecknock*, *Montgomery* and *Denbigh*, over and besides the shire of *Monmouth*, and divers other dominions, lordships and manors in the marches of *Wales*, united and annexed to the shires of *Salop*, *Hereford* and *Glocester*, as by the said late act more plainly appeareth.

Limitation of  
hundreds by  
commission.

III. Item, That the limitations of the hundreds, of late made within the said shires by virtue of his Grace's commissions directed out of his Highness court of chancery, and again returned into the same, shall stand in full strength, force and effect, according to the said limitation; except such of the same as sith that time have been altered or changed by virtue of any act or acts of parliament already made, or that shall be altered or changed by any act or acts in this present session to be made.

President and  
council.  
repealed by  
1 W. & M.  
sess. 1. c. 27.  
§. 2.

IV. Item, That there shall be and remain a president and council in the said dominion and principality of *Wales*, and the marches of the same, with all officers, clerks and incidents to the same, in manner and form as hath been heretofore used and accustomed; (2) which president and council shall have power and authority to hear and determine, by their wisdoms and discretions, such causes and matters as be or hereafter shall be assigned to them by the King's majesty, as heretofore hath been accustomed and used.

Sessions of  
*Wales* twice  
in a year.

V. Item, That there shall be holden and kept sessions twice in every year, in every of the said shires in the said dominion and principality of *Wales*, that is to say, in the shires of *Glamorgan*, *Brecknock*, *Radnor*, *Caermarthen*, *Pembroke*, *Cardigan*, *Montgomery*, *Denbigh*, *Flint*, *Caernarvan*, *Merioneth* and *Anglesey*; the which sessions shall be called the King's great sessions in *Wales*.

Justice of Che-  
ster.

VI. Item, That the justice of *Chester* for the time being shall hold and keep sessions twice in every year, in the shires of *Denbigh*, *Flint* and *Montgomery*, and have nothing but his old fee of an hundred pounds yearly for the same.

VII. *Item*, That the justice of *North Wales* shall in likewise Justice of North Wales. hold and keep sessions twice every year, in every of the said shires of *Caernarvan*, *Merioneth* and *Anglesey*, and shall have yearly of the King's majesty a yearly fee of fifty pounds for the same.

VIII. *Item*, That one person learned in the laws of this realm Justice of Radnor, &c. of *England*, by the King's majesty to be named and appointed, shall be justice of the shires of *Radnor*, *Brecknock* and *Glamorgan*, and shall in likewise hold and keep sessions twice in every year, in every of the same shires, and shall have yearly of the King's majesty fifty pounds for his fee.

IX. *Item*, That one other person learned in the laws of this Justice of realm, to be appointed as is aforesaid, shall be justice of the shires of *Caermarthen*, *Pembroke* and *Cardigan*, and shall in likewise hold and keep sessions twice in every year, in every of the same shires, and shall also have yearly of the King's majesty fifty pounds for his fee.

X. *Item*. The said persons or justices, and every of them now Patents under being, or that hereafter shall be, shall have several letters patents and commissions for their offices, under the King's great seal of *England*, to be exercised by themselves or their sufficient deputies, according to the purposes and intents in these ordinances specified.

XI. Provided always, That their commissions to them already Commissions granted under the said great seal, shall stand in force and effect already granted, according to the tenor of the same, unless it shall please the King's majesty hereafter to alter or change them or any of them; this present article last before expressed in any wise notwithstanding.

XII. *Item*, That every of the said justices, within the limits of Of what things the justices said, shall hold all manner of pleas of the crown at and in the in Wales may said sessions, in as large and ample manner as the King's chief hold plea. justice of *England*, and other the King's justices of the King's bench there, or any of them, may do in their places, or elsewhere within the realm of *England*; (2) and also to hold pleas of assises, and all other pleas and actions real, personal and mixt, in as large and ample manner as the King's chief justice of the common-peace in *England*, and other justices of the same place, or any of them, may do in the realm of *England*.

XIII. *Item*, That every of the said justices, of *Wales* shall have power and authority to enquire of all treasons, murders, felonies, riots, routs, unlawful assemblies, extortions, embraceries, maintenances, retainers, concillements, contempts and all other offences and evil deeds, of what natures, names or qualities soever they be, done, committed or perpetrated within the limits of their commissions and authorities, against the form of the common law of the realm of *England*, or of any statutes of the same, and to hear and determine the premises, and every of them, (2) and generally to minister common justice to all and singular the King's subjects within the limits of their commissions and authorities, according to the laws, statutes and customs of the

the realm of *England*, and according to this present ordinance.

Sessions shall  
endure six  
days.

XIV. *Item*, That every of the said sessions shall be kept and continued by the space of six days in every of the said shires at either of the said times, as is and hath been used within the said three shires of *North Wales*; and that the said justices shall cause open proclamations to be made in the shire-towns what time and place they purpose to keep their said sessions, fifteen days at the least before they keep the same, to the intent the King's subjects may have knowledge thereof.

Days in court.

XV. *Item*, That days shall be given in all pleas, plaints, procefs and adjournments, from day to day and sessions to sessions, by the discretion of the said justices within the limits of their authorities, for the good and speedy ministration of justice to all and singular the King's subjects, as is or hath been used in *North Wales*.

Original seals  
in whose cus-  
tody they shall  
be,

XVI. *Item*, That one original seal, devised by the King's highness for justice to be ministered in the said three shires of *North Wales*, that is to say, the shires of *Merioneth*, *Caernarvon* and *Anglesey*, shall be and remain in the charge, keeping and custody of the chamberlain of *North Wales*.

XVII. And that one other original seal, devised by the King's majesty for ministration of justice, to be used in the said three shires of *Caermarthen*, *Pembroke*, and *Cardigan*, shall be and remain in the charge and keeping of the chamberlain of *South Wales*.

XVIII. And that likewise one other original seal, devised by the King's majesty for administration of justice, to be used in the said three shires of *Brecknock*, *Radnor* and *Glamorgan*, shall be and remain in the charge and custody of the steward and chamberlain of *Brecknock*.

XIX. And that also one other original seal, devised by the King's majesty for ministration of justice to be ministered within the said shires of *Denbigh* and *Montgomery*, shall be and remain in the charge, keeping and custody of the steward and chamberlain of *Denbigh*.

XX. And that the original seal of *Chester* shall be and stand for the original seal of *Flint*, for justice to be ministered in the said shire of *Flint*, and shall be and remain in the charge, keeping and custody of the chamberlain of *Chester*.

What shall be  
sealed with the  
original seals.

XXI. *Item*, That the said stewards and chamberlains shall seal with the said seals, that is to say, every one of them shall seal with the seal to his charge committed, all manner of original writs and procefs, returnable before the said justices at the sessions to be holden in every of the said shires, in manner and form as is aforesaid, (2) and shall severally account and answer the King's majesty for the profits of the same seal: (3) and that

The authority  
of the keep-  
ers of the seals,  
and to what  
only purposes  
they shall use  
them.

none of the said stewards, chamberlains or chancellors, having the charge and keeping of the said seals, shall by occasion thereof, or by colour of any of their offices, compel or cause any person or persons inhabiting within any of the said twelve shires, to ap-  
pear

pear before themselves or their deputies, ne shall have power and authority to hear or determine any pleas of the crown, nor other causes or matters of justice, otherwise than in this ordinance is limited and expressed; but shall have the charge and keeping of the said seals, to seal all such original writs and process as shall be returnable before the said justices in their said sessions, as is before specified, and as hereafter shall be declared; (4) which writs and process shall be used, made, sealed and returned, in manner and form as hath been used before the justice of *North Wales*.

XXII. *Item*, That all such persons as now be or hereafter shall be the King's highness stewards, chamberlains or chancellors, within any of the said twelve shires, which by reason of their said offices have charges for the receipt, collection or accompt, of and for the King's rents, revenues, farms or profits, to be due to his Majesty within the said dominion of *Wales*, may direct process under the said seal, being in their charge and custody, within the limits of their authorities, only against bailiffs, reeves, farmers, and other ministers accomptant, to appear before themselves, to answer to and for any the King's revenues, farms, rents or profits, and for none other causes, nor against any other person or persons, in like manner and form as they have been accustomed in that case to do.

The keeper of the seals may award process against accomptants, returnable before themselves.

XXIII. *Item*, That all stewards of any lordships or manors, in *Wales* shall and may keep and hold such leets, lawdays or court barons, as appertaineth and belongeth to the lordships and manors whereof they be stewards, (2) and hold pleas by plaint under the sum of xl. s. in every such court baron, (3) and have and enjoy all other authorities, commodities and profits as stewards of leets, lawdays and court barons in *England* commonly have and been used to have by reason of the said offices, and none other; any law, usage or custom in the said dominion of *Wales* heretofore had to the contrary hereof notwithstanding.

Stewards of manors may hold courts and leets.

XXIV. *Item*, Provided always, and be it enacted, That the said stewards, nor any of them, nor the sheriff of the said counties in *Wales*, shall have any power or authority to enquire of any manner of felony in any such leet, lawday or torn, within the said dominion to be holden.

Stewards or sheriffs shall not enquire of felony.

XXV. And that from henceforth no leet nor lawday be kept by the steward or other officer of any lordship or manor in the said dominion of *Wales*, but in such lordships and places where it was accustomed to be kept before the making of the act of parliament concerning *Wales*, made in the twenty-sixth year of our said sovereign lord's reign; so always the place where such court shall be kept, be meet and convenient for that purpose.

26 H. 8. c. 6.

XXVI. *Item*, That all mayors, bailiffs and head officers of corporate towns in *Wales*, may hold pleas and determine actions, and do every other thing concerning common justice, according to their lawful grants and laudable customs of such towns; (2) so always they follow the course, trade and fashion of the laws and customs of the realm of *England*, and not of any *Welsh* laws.

Officers of corporate towns may hold pleas and determine actions.

laws or customs. (3) and that in every of the said towns they may try all issues joined, or hereafter to be joined, in any action personal, by six men, according as heretofore in divers places in the said country it hath been used; any thing contained in this act to the contrary notwithstanding.

The King may dissolve boroughs, and erect others by his letters patents.

XXVII. Provided always, and be it enacted by the authority aforesaid, That forasmuch as there be divers and many small boroughs and towns corporate within the said dominion of *Wales*, whereof many have their commencement by grants made from the lords marchers, and some by other means, (2.) our said sovereign lord shall from henceforth, by virtue of this act, have full power and authority, by his letters patents, to be inrolled in his Grace's high court of chancery, at any time within seven years hereafter next ensuing to the end of this present parliament, to repel, annihilate and dissolve such and as many of the said boroughs and towns corporate, and all liberties and customs of the same, as to his Highness shall be thought expedient, (3) to the intent his Majesty, at his Grace's pleasure, may duly erect, ordain and make such and as many other boroughs and towns corporate within the said dominion, being more apt and convenient for that purpose, and endue them with such liberties and franchises, as to his most excellent wisdom shall be thought necessary for the wealth of the said country.

Officers certain fees shall continue, but not their casual fees.

XXVIII. *Item*, The King's majesty is pleased and contented of his most gracious goodness, that such as have patents of any office of stewardships, chamberlainships, chancellorships or justiceships within the said dominion of *Wales*, for term of their lives, shall have and enjoy their certain, ordinary and annual fees of money, used and accustomed to be paid and born by the King's highness, by virtue of any their letters patents, during their interest therein, but in no wise to take or claim any casual fees claimed by colour of their offices, contrary to this present ordinance; any custom in *Wales*, or any thing in this act to the contrary notwithstanding.

There shall be four judicial seals, in whose custody they shall be, and what shall be sealed with them.

XXIX. *Item*, Over and besides the said original seals, there shall be four judicial seals devised by the King's majesty, whereby one shall remain with the justice of *Chester*, which is appointed by this act to be justice of the shires of *Flint*, *Denbigh* and *Montgomery*, to be used within the said shires, to seal all judicial process and bills that shall be sued before the said justice, in the sessions to be holden within the same shires: (2) and that one other of the said judicial seals shall likewise remain and be in the charge and custody of the said justice of *North Wales*: (3) and that the third of the said seals shall be and remain in the custody and charge of the justice of the three shires of *Glamorgan*, *Bracknock* and *Radnor*: (4) and the fourth of the said seals shall remain in the charge and custody of the justice of the said three shires of *Pembroke*, *Caermarthen* and *Cardigan*: (5) and the said justices shall seal with the said judicial seals, that is to say, every of them with the seal committed to his charge and custody, as well all bills, as all other judicial process, that shall be sued before

fore them in the said sessions, upon any original bills or writs; and all other procefs that shall be awarded from any of the said justices shall be sealed with the said judicial seal.

XXX. *Item*, That every the said justices shall account and answer to the King's majesty for the profits of the said seal being in his charge and custody, in manner and form as hereafter shall be declared. Account for the profit of the seal.

XXXI. *Item*, That the *Teste* of every bill and judicial procefs that shall pass under the said judicial seal, shall be under the name of such of the said justices from whom such bill or judicial procefs shall pass, in like manner and form as is used in the common place in *England*. Teste of every procefs.

XXXII. *Item*, That all actions real and mixt, attaints, conspiracies, assises and *Quare impedit*, appeals of murder and felony, and all actions groundd upon any statutes, shall be sued by original writs, to be obtained and sealed with the said original seal, returnable before the said justices at their sessions, within the limits of their authorities, in manner and form as is aforementioned. What procefs shall be sealed with the original seal.

XXXIII. *Item*, That all manner of personal actions, as debt, detinue, trespass, accompt and such like, amounting to the sum of xl. s. or above, shall be sued by writs original, to be obtained and sealed as is aforesaid, or by bills, at the pleasure of the party suing the same, before the said justices within the limits of their authorities, as is used in *North Wales*. Personal actions of xl. s. or above.

XXXIV. And that all personal actions under the sum of xl. s. that is to say, debt, trespass, detinue, accompt and such like, shall and may be sued before any of the said justices in the said sessions, by bill, as it is used in *North Wales*. Personal actions under xl. s.

XXXV. And that every original bill concerning actions personal, shall be sealed with the King's judicial seal, being in the custody of the said justice before whom such personal actions by bill shall be brought and commenced. Original bill concerning actions personal.

XXXVI. And that such fees shall be paid for the writing and sealing of such original writs and bills as hereafter shall be expressed, that is to say, for the sealing of every original writ to be sued in and upon the causes aforesaid, and for every bill to be pursued in actions personal, whereof the debt and damage amounteth to the sum of xl. s. or above, the parties pursuing the same shall pay for the seal of every such writ or bill, vi. d. (2) and for every judicial procefs to be sued upon any such original writ or bill, the parties pursuing such judicial procefs shall pay for the sealing thereof vii. d. wherof the King's majesty shall have vi. d. and the justice sealing such judicial procefs shall have i. d. Fees for writing and sealing of writs and bills.

XXXVII. *Item*, That every bill in personal action, whereof the debt, duty or damage amounteth not to xl. s. and all manner judicial procefs to be sued upon the same, shall also be sealed with the King's said judicial seal; (2) and the parties pursuing the same shall pay for the seal of every such bill and judicial procefs Debt or damage not amounting to xl. s.

Process sealed  
with the ju-  
dicial seal,  
and the fees.

process thereupon to be sued, iij. d. whereof the King's majesty to have ij. d. and the justice sealing such process to have i. d.

XXXVIII. *Item*, That all writs of *Scire facias*, and writs of good abearing, or for the peace, or writs of *Superfedeas* upon the same, and all other process to be sued from the said justices, upon any record or suggestion admitted by any of the said justices within the limits of their authorities, shall also be sealed with the said judicial seal; (2) and that the parties pursuing the same, shall pay for the seal of every such writ and process vij. d. whereof the King's highness shall have vj. d. and the justice by whom such process shall be sealed i. d.

XXXIX. And that every exemplification upon any record before any of the said justices, shall be sealed with the King's said judicial seal; (2) and the parties pursuing the same shall pay for the seal thereof xx. d. whereof the King's highness shall have xvi. d. and the justices sealing the same iv. d.

Recoveries,  
fines, con-  
cords, &c.  
taken before  
the justices.

XL. *Item*, That recoveries and fines of record, and warrants of attorney for the same, shall and may be taken before every of the said justices, of lands, tenements and hereditaments within his authority, by force of his general commission, without any writ of *Dedimus potestatem* to be sued for the same, in like manner and form as is used to be taken before the King's chief justice of his common place in *England*.

Of what force  
fines levied  
before the  
justices shall  
be.

XLI. *Item*, That all fines hereafter to be levied before any of the said justices, with proclamation made the same sessions that the said fine shall be engrossed, and in two other great sessions then next to be holden within the same country, shall be of the same force and strength to all purposes, as fines levied with proclamations be of, that be levied before the justices of the common place in *England*.

Fines to the  
King upon  
recoveries or  
fines.

XLII. *Item*, That every person suing writs of entry in the *Post*, or writs of covenant, or any other writs, for any recovery to be had by assent of parties, or otherwise, or for any fine to be levied, shall pay such fines to the King's use for the same, as well fines *pro licentia concordandi*, as all other manner of fines, as is used in the King's chancery, or elsewhere in any of the King's courts of *England*, (2) which fines shall be paid to such persons as shall seal the original writs for that purpose, and that they shall account for the same in like form as they shall do for the profits of the said original seal, as is aforesaid.

King's silver.

XLIII. *Item*, That the King's silver, upon every fine to be levied, shall be paid as is used in the common place of *England*, that is to say, ij. s. (2) which King's silver shall be paid to the justice afore whom such fine shall be levied; whereof the King's highness shall have xx. d. and the prenotary entering the same shall have ij. d. and the justice afore whom such fine shall be levied other ij. d. (3) and that the same justice shall account for the King's part thereof, like as he shall for the profits of the King's judicial seal committed to his charge, in manner and form as is aforesaid.

XLIV. *Item*,

XLIV. *Item*, There shall be four prenotaries for the making of all judicial process, and for the entring of all pleas, process, and matters of record, in the sessions to be holden before the said justices, whereof one of the said prenotaries shall attend upon the said justice appointed for the three shires of *North Wales*, (2) and one other shall attend upon the justice assigned for the three shires of *Flint*, *Denbigh*, and *Montgomery*; (3) and the third shall attend upon the justice assigned for the three shires of *Caermarthen*, *Cardigan*, and *Pembroke*; (4) and the fourth of the said prenotaries shall attend upon the justice assigned for the three shires of *Glamorgan*, *Brucknock*, and *Radnor*: (5) and these four prenotaries, as often as their said offices shall be void, shall be named and appointed by the King's highness, by his Majesty's letters patents under his great seal of *England*. (6) And where one *John Arnold*, gentleman, hath the office of prenotary and clerkship of the crown, by the King's highness letters patents, within the said three shires of *North Wales*; and that one *John Breckenhead* hath the office of the prenotary, and clerkship of the crown by the King's letters patents, within the said shire of *Flint*; and that likewise one *John Leonard* hath the office of the prenotary and clerkship of the crown, by the King's letters patents, within all the residue of the said dominion of *Wales*; the King's majesty is pleased and contented, that the said three prenotaries shall have, use, and enjoy their said offices according to the effect of the said letters patents to them thereof made, doing their duties and attendance by themselves or their sufficient deputies, at every of the said sessions to be kept within the shires whereunto they be so appointed.

XLV. *Item*, There shall be a marshal and a crier in every of the said circuits and limits allotted to the said justices, which shall be named by the said justices, within the limits of their authority and commission, in like manner and form as justices of assize do in *England*: (2) and the said officers shall attend upon the said justices in their circuits in their own proper persons, and not by their deputies.

XLVI. And that the marshal shall have, upon every judgment and every fine, iv. d. and the crier i. d. (2) and upon the acquittals of felons, and of them that shall be delivered by proclamation, or delivered out of common mainprize before any of the said justices, the marshal shall have iv. d. and the crier i. d.

XLVII. *Item*, That every of the said prenotaries, within the limits of their offices, shall take such fees as hereafter shall be expressed; that is to say, for the writing of pleas, and engrossing of writs of entry in the *Post*, writs of right, *Quod ei deforseat*, or any other writs pursued by the assent of the parties, v. s. (2) and if it be with a double voucher, then vi. s. viij. d. (3) and for the exemplification thereof ij. s. (4) and for the engrossing of fines, to have for every fine iij. s. iv. d. and if it be with proclamations, then iv. s.

XLVIII. *Item*,

Bills of debt,  
detinue, tref-  
pafs, &c.

XLVIII. *Item*, for every bill of debt, detinue, trespass, and all other actions personal sued before the said justices in their circuits, under the sum of xl. s. the prenotaries shall have for the first bill iv. d. for the second bill iv. d. and for the third bill iv. d. (2) and for the entry of every declaration, plea and bar, replication, and rejoinder in and upon every such action, so that he do inroll the same in parchment, iv. d. (3) and for every *Venire fac'*, *Tales*, *Habeas corpora*, and *Distring'*, for every of them, iv. d. and for the judgment, viij. d. (4) and for every writ of execution in every such action vj. d. (5) and for every warrant of attorney in every such action, as well for the plaintiffs as for the defendants, iv. d.

XLIX. *Item*, In all actions of detinue, trespass, and all other actions personal, wherein the duty, debt, or damage amounteth to the sum of xl. s. or above, which shall be sued by bills before the said justices, the prenotary shall have for the first bill iv. d. for the second bill iv. d. and for the third iv. d. (2) and for every of the declaration, the answer, replication and rejoinder, if it be enrolled in parchment, viij. (3) and for the *Venire fac'*, *Tales*, *Habeas corpora*, and *Distring'*, for every of them vi. d. and for the judgment viij. d. (4) and for the warrant of attorney, iv. d. (5) and for every writ of execution upon the judgments in such bills vj. d.

Original writs  
upon actions  
personal.

L. *Item*, In original writs sued upon every action personal returnable before the said justices, the prenotaries shall have for every *iterum sum'*, vj. d. (2) for every distress in trespass, vj. d. and for the declaration viij. d. (3) for the answer, replication and rejoinder, for every of them, if they be inrolled and ingrossed as is aforesaid, xij. d. (4) For the *Venire fac'*, *Tales*, *Habeas corpora* and *Distring'*, for every of them, vj. d. (5) and the prenotaries to have for the entry of the judgments in every such action, xij. d. (6) and for every writ of execution sued upon the same, vj. d. (7) for the exemplification of every record in any of the said actions, ij. s. (8) for every warrant of attorney, iv. d. (9) In all actions real and mixt, assises, *quare impedit*, appeals of felony, murder, or maim, the prenotary to have for the declaration or plaint, ij. s. (10) and for the plea in bar, replication, rejoinder, surrejoinder, for every of them, if they be inrolled as is aforesaid, i. s. (11) and for the writing of every *Venire fac'*, *Tales*, *Habeas corp'*, and *Distring'* upon the same, for every of them vj. d. (12) and for the entry of the judgment, in every of the said actions and appeals, ij. s. (13) and for the writing the writs of execution made upon every of the said actions, appeals and assises, i. s. (14) And for writs of *grand Cape* and *petit Cape*, and writs of view, writs upon voucher, and all other writs in every such action or actions, xij. d. (15) and for every warrant of attorney for the defendants, or for the demandants or plaintiffs, in every such action real, assise, appeal and *quare impedit*, iv. d. (16) and for the essoins in every such action, iv. d. and for the adjournment ij. d. (17) and for the bail of every person

person of felony. xij. d. and for the bail for trespass vj. d. and for the appearance and bailing of common-mainprise ij. d.

LI. *Item*, For writing writs for the peace and good abearing, granted by any of the said justices in their sessions, vj. d. (2) peace and for the entering of every recognisance to be had and taken good abearing before the said justices, for every cause or causes, other than before is expressed, xij. d. and if it be with condition, then ij. s. (3) and upon every acquittal and deliverance of felons or murderers, by verdict or by allowance of pardon, the prenotaries to have ij. s. and if it be upon indictments certified from the justices of the peace, afore the justices in the great sessions, the clerk of the peace to have also xij. d. (4) and upon the delivery of any suspect of felony or murder by proclamation, the said prenotary to have xij. d.

LII. *Item*, That the King's majesty shall have all fines, issues, amerciaments, and all forfeitures of recognisances, lost or forfeited before any of the said justices in the session aforesaid; (2) and that the said prenotaries, within the limits of their offices, shall yearly estreat the same into the exchequer appointed for that limit, to the intent that process from thence may be awarded to the sheriffs to levy the same to the King's use, as appertaineth, (3) which sheriffs shall yearly make their accounts before the King's auditors thereunto to be assigned and appointed.

LIII. *Item*, Over and besides the said president and council, and justices, there shall be justices of peace and *quorum*, and also one *Custos Rotulorum*, in every of the said twelve shires. Justices of peace besides president and council.

LIV. *Item*, That the said justices of peace, justices of *quorum*, and *Custos Rotulorum* in the said shires, shall be named and appointed by the chancellor of *England*, by commission under the King's great seal of *England*, by the advice of the president, council, and justices aforesaid, or three of them, of the which the said president to be one, from time to time as the case shall require. Custos Rotulorum, and by whom appointed.

LV. *Item*, That there shall not exceed the number of eight justices of the peace in any of the said shires, over and besides the president, council, and justices aforesaid, and the King's attorney and solicitor; (2) which president, council, justices, and the King's attorney and solicitor, shall be put in every commission of peace in every of the said twelve shires. How many justices of peace in one shire. Altered by 5 & 6 W. & M. c. 4.

LVI. *Item*, That such persons as shall be named to be justices of peace within every of the said shires, shall be of good name and fame; and after they be assigned by commission, may use and exercise the office of the justice of peace, albeit they may not dispend twenty pound, nor be learned in the laws of the lands, without any loss, damage, or penalties for insufficiency of their lands: (2) And that every of the said justices of peace, before they shall execute their commission, shall take their oaths before the chancellor of *England*, or else before the said president, or one of the said justices in *Wales*, by virtue of the King's writ of *Dedimus potestatem*, or before any other person to be limited by the lord chancellor of *England* for that purpose, the contents of

of which oath shall be after form as justices of the peace in *England* use to make.

The justices  
sessions, au-  
thority and  
fees.

LVII. *Item*, That the said justices of peace, or two of them at the least, whereof one to be of the *quorum*, shall and may keep their sessions, within the limits of their commissions, four times in the year, and at other times upon urgent causes, as justices of peace in *England* use to do; and shall have like power and authority in all things, and fees of the King's majesty for the time of their sitting, as well for themselves as for their clerks, and shall be bound to use and do their offices, in like manner as is used in *England*.

The fees of the  
justices and  
clerk of the  
peace.

LVIII. *Item*, That no justices of peace, clerk of the peace, nor other clerk of any justice of peace in *Wales*, shall take for the writing of any warrant of the peace, or good abearing, above vi. d. (2) and for entering of pledges or boroughs to pay the King's fine upon any indictment, ix. d. and if it be with protestation, then to take xij. d. (3) and for a *superfedeas* not above viij. d. and for a recognisance xij. d. (4) And that all the said justices of peace shall certify all recognisances taken before any of them for the peace or good abearing, into their sessions next to be holden after the taking thereof; (5) and recognisance taken before any of them, for suspicions of any manner of felony, shall be certified before the justices of the great sessions next to be holden after the taking thereof, without concealment, detaining or embezzling of the same, upon such penalties and damages as be therefore ordained and established.

Certificate of  
recogni-  
zances.

Taxing of  
fines and a-  
merciaments.

LIX. *Item*, That all fines and amerciaments before the said justices of peace lost, and hereafter to be lost, shall be taxed and assessed by two justices of the peace at the least, whereof one to be of the *quorum*, and that all such fines and amerciaments shall be set truly and duly, according to the quantity of the offences, without partiality or affection.

Fines, forfei-  
tures and a-  
merciaments  
to be estreated.

LX. *Item*, That the said fines and amerciaments, and also all issues lost before the said justices of peace, and all forfeitures of recognisances, and other forfeitures, before the same justices, shall be yearly estreated by the clerks of the peace into the exchequer appointed for that limit, to the intent that process from thence may be awarded for the levying of the same forfeitures and sums of money to the King's use, so the sheriff of every county as shall appertain, who shall make thereof their accounts before such auditors as thereunto shall be assigned, so that the King's majesty may thereof be truly and duly answered and satisfied; which auditors shall make due allowance to the same sheriffs, for the fees of the justices and clerks of the peace, upon their said accounts, as is used in the realm of *England*.

Auditors shall  
allow unto the-  
riffs the fees of  
justices and  
clerks of the  
peace.

Sheriffs in eve-  
ry shire of  
*Wales*, and  
how they shall  
be nominated.

LXI. *Item*, That there shall be sheriffs in every of the said shires yearly appointed by the King's majesty; (2) and that none of the said sheriffs shall have their said office of sheriff-wick any longer time than is used by the laws and statutes of *England*. (3) And for the yearly nomination of the said sheriffs, the

the said lord president, council, and justices of *Wales*, or three of them at the least, whereof the said president to be one, shall yearly nominate three substantial persons in every of the said twelve shires, to be sheriffs of the same, and shall certify their names to the lords of the King's most honourable council, attending upon his Grace's person, *Craftino Animarum*, to the intent the King's Majesty, being thereof advertised, may appoint one of them in every of the said shires to be sheriff for that year, at his most gracious will and pleasure, like as his Highness doth for this realm of *England*; (4) and thereupon the said sheriffs shall have their patents and commissions under the great seal of *England*, as sheriffs of *England* have, and shall make and take oaths and knowledges of recognisances before the president and justices, or one of them, by virtue of the King's writ of *Dedimus potestatem* to be directed for the same, for the due execution of their offices, and for their just and true accompts before the King's auditor or auditors assigned for *Wales*.

LXII. *Item*, That every of the said sheriffs shall have full power and authority, within the limits of their sheriffwick, to do and use their offices as sheriffs in *England*, and shall accomplish and execute, without any favour, dread or corruption, all manner of writs, process, judgments and executions, and all manner common justice appertaining to their offices of sheriffs, and all lawful commandments and precepts of the said president, council and justices of *Wales*, and also of the justices of the peace, escheators and coroners, and every of them, in all things appertaining to their offices and authorities.

LXIII. *Item*, That the said sheriffs shall do, and be bound to do, all and every other thing and things for the ministration of justice, and for the conservation of the King's peace, and the apprehension and repress of traitors, murderers, thieves, felons and other offenders, as sheriffs of *England* do use and be bound to do within the realm of *England*.

LXIV. *Item*, That the said sheriffs shall yearly accompt before such the King's auditor or auditors, as shall be assigned and appointed by the King's majesty for his said dominion of *Wales*; (2) and that every of the said sheriffs shall have yearly for his fee v. l.

LXV. *Item*, That all mayors, sheriffs, stewards, bailiffs and other ministers and officers of justice of every county, lordship, town and place within the said dominion of *Wales*, and all and singular the King's subjects of the same shall be always obedient, attendant and assisting to the said president, council and justices of *Wales*, and every of them, and shall obey the King's commandments and process from them or any of them directed, and all the lawful and reasonable precepts of the said president, council and justices, and every of them, and also, shall be obedient to all the said justices of peace, sheriffs and escheators, within the limits of their said authorities, as well for common

The sheriffs authority and duty in *Wales*.

The sheriffs duty in administration of justice.

Sheriffs accompt and fee. Enforced by 3 Geo. I. c. 15. §. 22.

All officers and other persons shall be attendant on the president, &c.

administration and due execution of justice, as in all other things appertaining to their duties and offices.

Escheators shall be named in every shire in Wales.

LXVI. *Item*, That escheators shall be named in every of the said shires by the lord treasurer of *England*, by the advice of the said president, council and justices, of three of them at the least, whereof the said president to be one; (2) which escheators shall make and take their oaths, and knowledge their recognisances, before the said president, or one of the said justices, by virtue of the King's writ of *Dedimus potestatem* to be directed for the same, for the due execution of their offices, and for their true account to be made before the King's auditor or auditors to be assigned for the same; which oath and recognisance shall be agreeable to the oath and recognisance used for the escheators in *England*; (3) and the escheators shall yearly have their patents and commissions under the great seal of *England*, and shall have power and authority to exercise their offices in like manner and form as escheators in *England*, and shall be bound to all laws and statutes of *England*.

What freehold an escheator in Wales must have.

LXVII. *Item*, That all such persons as shall be appointed to the said offices, shall and may exercise their offices, if they may dispend yearly v. l. of freehold, any statutes of *England* to the contrary thereof notwithstanding; (2) and that every of the said escheators shall make their accounts yearly before such auditor or auditors as shall be assigned by the King's majesty, to hear and determine his Highness' account for his revenues and profits of the said dominion of *Wales*.

Two coroners in every shire in Wales.

LXVIII. *Item*, There shall be two coroners to be elected in every of the said twelve shires, as is used in *England*, by virtue of the King's writ *De Coronatore eligendo*, to be awarded out of the King's chancery of *England*; (2) and that the said coroners shall have like power and authority to do and exercise their offices, and have like fees, as is limited by the laws and statutes of *England*.

LXIX. Provided always, That the writ *De Coronatore eligendo*, to choose the coroners within the said county of *Flin*, shall be directed out of the exchequer of *Chester*.

Two constables of the hundred.

LXX. *Item*, That the said justices of the peace, or two of them at the least, whereof one of them to be of the *quorum*, shall appoint and name, in every hundred within the limits of their commission, two substantial gentlemen or yeomen to be the chief constables of the hundred wherein they inhabit; (2) which two constables of every hundred shall have a special regard to the conservation of the King's peace, and shall and may do and use their offices in all and singular things, as is used by the high constables of the hundreds in *England*, and shall be bound to all things as the high constables of the hundreds in *England* be bound to do.

A goal to be provided by the sheriffs and bailiffs of the hundred.

LXXI. *Item*, That every of the said sheriffs shall have a goal for prisoners within some convenient place of the castles of the shire-towns where he is sheriff, or in such other convenient place, as by the said president, council and justices, or three of them,

them, whereof the said president to be one, shall be appointed; any patent or grant heretofore made to any person or persons of the constableness or keeping of any of the said castles in any wise notwithstanding. (2) And that the sheriff shall make the bailiffs of the hundreds, and they to attend upon the justices in every of their courts and sessions.

LXXII. Provided always, That the constables of the King's castles within every of the said shire-towns of *Wales* shall not be charged with the gaols, and of all the prisoners that shall be committed to their ward, like as they have heretofore been, until such time convenient places for that purpose be assigned to the said sheriff.

LXXIII. *Item*, The said sheriffs shall keep their counties monthly, and their hundred courts for pleas under xl. s. as is used in *England*; (2) and shall take for the entering of complaints, process, pleas and judgments in the said shire-courts and hundreds, such small fees as is used to be taken in shires and hundreds in *England*, and not above.

LXXIV. *Item*, That all manner of trials before them in their said courts, or before any stewards in court-barons, shall be by wager of law, or verdict of six men, at the pleasure of the party plaintiff or defendant that pleaded the plea.

LXXV. And that every of the said sheriffs shall keep and hold their torns yearly after *Easter* and *Michaelmas*, as they have been used in *England*.

LXXVI. *Item*, The King's highness shall have all manner of fines, issues, amerciaments, and forfeitures lost or forfeited in any of the said counties, hundreds, courts and torns, to his own use, and the sheriff to account for the same accordingly.

LXXVII. *Item*, That the estreats of the said torns, counties and hundreds shall be viewed and the fines, issues and amerciaments assayed by the said justices of assises of that circuit, before the levying of the same amerciaments or other forfeitures; (2) and that no sheriff, or any of his officers, presume to gather or levy any such amerciaments, or other forfeiture, before the said estreat be so assayed, upon pain to forfeit to the King's use xl. s. (3) And that the sheriff upon every judgment had before him in his county or hundred court, in any plaint under xl. s. shall and may award a *Capias ad satisfaciendum*, to arrest the party condemned, or else a *Fieri fac'*, at the liberty of the party pursuant.

LXXVIII. *Item*, That all bills sued before the said justices in personal actions, whereof the debt, duty or damage is under xl. s. the sheriffs shall have for the return of every bill ij. d. (2) and every *Venire fac'*, *Tales*, *Habeas corp'*, and *Disfr'*, ij. d. and for writs of execution upon the judgment in any such bill, xij. d.

LXXIX. *Item*, In bills sued before the said justices in personal actions above the sum of xl. s. the sheriff shall have for the return of every such bill, iv. d. and for the return of every

*nire fac'*, *Habeas corp'*, *Distr'* and *Tales*, iv. d. and for every writ of execution ij. s. (2) And in all personal actions sued by original writs returnable before the said justices, the sheriff shall have for every *Iterum sum'* *Distr'* and *alias Distr'* iv. d. and for every *Venire fac'*, *Habeas corp'*, *Distr'*, and *Tales*, vj. d. and for every writ of execution to be executed upon the judgment in such actions, ij. s. For the serving of every writ of *Elegit*, vj. s. viij. d. (3) And in all real actions, or mixt, pursued before the said justices by original writ, for return of every original, ij. s. and for the return of every other writ and judicial process depending upon the same, before judgment, ij. s. and for every writ of execution after judgment, upon every original, in actions real or mixt, ij. s. and for the serving of every writ of *Habere fac' seisinam*, vj. s. viij. d.

Attachments  
or other pro-  
cesses sued by  
original, &c.

LXXX. *Item*, For attachments upon *Capias*, or other process sued before the said justices by original or judicial writ, if he return *Cepi Corpus*, ij. s. and for a *Reddit se*, upon an exigent of felony, in appeal of murder or maim, or upon any indictment of felony or murder, ij. s. (2) and upon a *Reddit se*, upon an exigent of debt, trespass, detinue, and all other actions personal, i. s. (3) and for the making of *Replegiar'*, i. s. and *Withernam* upon the same, i. s. (4) For the return of every writ of appeal of murder or felony, or maim, i. s. and upon all other process grown upon the same, as *Venire fac'*, *Tales*, *Habeas corp'* and *Distr'*, i. s. (5) and in every action taken before the sheriff by *Justices*, for the summons thereof, iv. d. and for every other process thereupon, iv. d. and for every prisoner delivered by acquittal, or by proclamation, for any manner of felony, i. s.

Suspect per-  
sons may be  
put under  
common  
mainprife.  
27 H. 8. c. 26.

LXXXI. *Item*, That every sheriff, within the limits of his authority, may and shall put such persons under common mainprife, as they have reasonable cause of suspect, according to the said act made for *Wales*, binding such as they shall so put to common mainprife with two sufficient sureties with them, by recognisance, to appear before the said justices within the limits of their authorities, at the next great sessions to be holden next after the taking of such bonds, and shall certify the names of them that be bound, before the said justices at the said sessions accordingly, without concealment thereof, at their pleasure.

The sheriffs  
fees for com-  
mon main-  
prife, and serv-  
ing of writs.

LXXXII. *Item*, That every person that the sheriff taketh to common mainprife, to appear before the said justices as is afore-  
said, shall pay for his mainprife ij. d. and not above; (2) and the said sheriffs to put no man to common mainprife, but such as be suspect, and as shall be returned by them before the said justices at their sessions as is afore-  
said. (3) And also the said sheriff shall have, for the return of a writ of false judgment, out of a base court, before the said justices, ij. s. and that the said sheriffs shall take no manner of fee for the return of any of the said writs of execution afore expressed, unless he return the same executed.

Fees shall be  
rated, aug-

LXXXIII. *Item*, That in all and every such writs, original or judicial, or other process, pleas or writings, which be not expressed

expressed in this ordinance, the fees thereof, as well for the seals as writing, shall be rated by the said president, council and justices, or three of them, whereof the said president to be one, by their discretions from time to time, as the case shall require; and that they shall have full power and authority from time to time to assess and appoint what fee the said sheriffs, escheators and coroners and their ministers, prenotaries and their clerks, and other ministers of justice in the said shires, shall have, take and receive of the King's subjects for any manner writs, complaints, pleas, process; returns, or any other matter or thing concerning or belonging to the execution of their offices and rooms, and to augment or diminish any fee or fees above declared, as shall be thought by their discretions to be convenient and meet for the common wealth of the King's subjects of those parts of *Wales*; any thing contained in this act to the contrary thereof notwithstanding.

LXXXIV. *Item*, That from henceforth no manner of person or persons, for murder or for felony, shall be put to his fine, but suffer according to the laws of the realm of *England*, except it please the King's majesty to pardon him or them; (3) and if the said justices see cause of pity, or other consideration, they may reprove the prisoner till they have advertised the King's majesty of the matter.

LXXXV. *Item*, That the act made in the parliament holden in the twenty-sixth year of the most royal reign of the King's majesty, concerning (among other things) inquisitions and trials of counterfeiting, washing, clipping and minishing of the King's coin, murders, felons and accessories to the same, perpetrated or done within *Wales*, to be had, made and determined in the next shire or county within *England* adjoining, where the King's writ runneth, and every article therein contained, shall stand in his full strength and force, according to the tenor and effect of the same; any thing in this said ordinance, or any other act, cause or matter heretofore had or made to the contrary thereof notwithstanding.

LXXXVI. *And albeit the same act as yet was never put in execution for any of the said offences heretofore done or committed within any of the said three shires of North Wales; that is to say, the counties of Anglesey, Caernarvan and Merioneth, (2) be it now declared and enacted by the authority aforesaid, That the said act, and every article therein contained, shall from henceforth take effect, and be executed in all points for and concerning any of the said offences perpetrated and done, or that hereafter shall be perpetrated or done, within the said county of Merioneth, to be enquired of, heard and determined within the county of Salop, in like manner and form as commonly is and hath been used for any of the same or like offences committed or done within any other county of South Wales; any matter or cause heretofore risen or grown to the contrary thereof notwithstanding.*

LXXXVII. *Item*, That the town or hamlet of *Abertannad*,

Abertannad  
annexed to Sa-  
lop, and with-  
in the hun-  
dred of Of-  
westre.

and all the grounds and the soil within the same, which afore this time hath been taken, reputed and used as parcel of the said county of *Merioneth*, shall from the feast of *Easter* next coming, by virtue of this act, be united, annexed and made parcel of the said county of *Salop*; and so from thenceforth to be reputed, taken and used for ever, and not to be of any other shire or county of *Wales*; (2) and that the same town or hamlet, and all the ground and soil within the same town or hamlet, be from and after the said feast accepted and taken as part and parcel of the hundred of *Ofwestre*; (3) and that the inhabitants thereof from the said feast shall be attendant, and do every thing and things with the inhabitants of the said hundred of *Ofwestre*, as the same inhabitants do or be bound to do; any laws or customs to the contrary thereof notwithstanding.

Year 6 etc. H. 8. 367.

Foreign plea  
of voucher  
triable in any  
other shire in  
*Wales* or Eng-  
land.

LXXXVIII. *Item*, In case any foreign plea or voucher be hereafter pleaded or made before any of the said justices of *Wales*, between party and party, triable in any other shire within *Wales*, than where the same plea is pleaded or voucher made; that then the said justices, afore whom the same plea or voucher is or shall be pleaded or made, shall and may send the King's writ, with a transcript of the record mentioning the same foreign matter of plea or voucher, under the seal to him committed, unto the justice of the county where the same matter is or shall be triable, commanding the said justice, by virtue of the said writ, to proceed to the trial thereof according to the King's laws and statutes; which trial so before him had, he shall remand with the whole record unto the justice before whom the said plea or voucher was pleaded or made, who thereupon shall proceed to judgment, as the case shall require.

LXXXIX. *Item*, In case the same foreign plea, voucher or other matter so pleaded, be triable within this realm of *England*, that then in every such case the justice, afore whom the same plea or voucher is or shall be pleaded, had or made, shall and may proceed to the trial thereof, as shall appertain, within the same shire of *Wales*, where the same plea, voucher or matter was pleaded; the said foreign plea, voucher, or any other thing or matter to the contrary thereof notwithstanding.

No rumours,  
tumults, un-  
lawful assem-  
blies or out-  
cries shall be  
in *Wales*.

XC. *Item*, That no manner of person or persons from henceforth, without lawful authority, shall make any rumours, tumults, unlawful assemblies or outcries at any of the said courts or sessions, nor any outcries and unlawful assemblies in great numbers at any other time or times, except it be for the apprehension or pursuing of murderers or felons, upon pain of imprisonment and grievous fine to be taxed and set upon them by the said president and council, or by the justices or other officer before whom such misdemeanor shall happen to be committed.

All lands in  
*Wales* shall be  
English te-  
nure, and not  
partable.

XCI. *Item*, That all manors, lands, tenements, messuages and other hereditaments, and all rights and titles to the same, in any of the said shires of *Wales*, descended to any manner person

person or persons with the feast of the nativity of St. *John Baptist* in the thirty-third year of our said sovereign lord's reign, or that hereafter shall descend, be taken, enjoyed, used, and holden as *English* tenure, to all intents according to the common laws of this realm of *England*, and not to be partable among heirs males after the custom of *Gavelkind*, as heretofore in divers parts of *Wales* hath been used and accustomed. (2) And that the same law, from and after the said feast of St. *John Baptist*, in the said thirty-third year, be used, taken, and exercised in the said county of *Monmouth*, and in all such lordships and other places, as by virtue of the said act made in the said twenty-seventh year, or by any other act or acts made or to be made, were and shall be annexed, united, or knit to any of the shires of *Salop*, *Hereford*, *Gloucester*, or other shire; any laws, usages, or customs heretofore had or used to the contrary thereof notwithstanding.

27 H. 8. c. 26.

XCII. *Item*, That no mortgages of lands, tenements, or hereditaments made or had after the said feast of St. *John Baptist*, which was in the said thirty-third year of the reign of our said sovereign lord, or that hereafter shall be had or made within any of the said shires or places, shall be hereafter allowed or admitted, otherwise than after the course of the common laws or statutes of the realm of *England*; any usage or custom heretofore had to the contrary thereof notwithstanding.

Mortgages of lands in Wales.

XCIII. *Item*, It shall be lawful to all persons to aliene, sell, or otherwise put away their lands, tenements, and hereditaments within the said country or dominion of *Wales*, the county of *Monmouth*, and other places annexed to any of the shires of *England*, from them and their heirs, to any person or persons in fee-simple or fee-tail, for term of life, or for term of years, after the manner, and according as is used by the laws of the realm of *England*; any *Welsh* law or custom heretofore used in the said country or dominion of *Wales* to the contrary thereof notwithstanding. This article to take effect from and after the said feast of the nativity of St. *John Baptist*, which was in the said thirty-third year of our said sovereign lord's reign.

All persons may sell their lands, or demise them after the manner of *England*.

XCIV. *Item*, If any person or persons having lands or tenements within the said dominion of *Wales*, been or hereafter shall be bound within the realm of *England*, by obligation upon the statute of the staple, or by recognizance, and pay not the debt as shall appertain, that then upon certificate thereof made unto the King's chancery of *England*, by the clerk of the staple, or by any justice of record before whom such recognizance shall be knowledged, process shall be made to the sheriffs of *Wales* out of the chancery of *England* after the form as is used to be made upon statutes and recognizances, by the course of the laws of *England*, for the due levying and paying of the said debt.

Persons having lands in Wales bound by statute in *England*.

XCV. Provided always, and be it enacted by the authority aforesaid, That for such recognizances as be or hereafter shall be taken and knowledged before the King's justices of his highness bench or common-place in *England*, process shall be

Recognizances taken in the King's bench or common-place.

had and purfued immediately out from the faid justices, as is ufed upon recognifances taken before the faid justices by the common courfe of the laws of *England*.

Writs, bills,  
plaints, &c.

XCVI. *Item*, That all fuch writs, bills, complaints, pleas, procefses, challenges and trials, fhall be ufed throughout all the fhires aforefaid, before the faid justices in their feflions, as is ufed in *North Wales*, or as fhall be devised by the faid prefident, council and justices, or three of them, whereof the faid prefident to be one, for the good miniftration of juftice to be had in every of the faid fhires.

13 H. 8. c. 13.

XCVII. *Item*, *Where the lordfhip of Hope, with divers other lordfhips, parifhes, towns and hamlets, were by an act of parliament made in the thirty-third year of the reign of our faid fovereign lord appointed and tranflated from the faid county of Denbigh to the county of Flint, and by the fame act were made part, parcel, and members of the fame county of Flint, afore which appointment or tranflation divers indictments and prefentments, as well of felony as other offences, were had and taken for the King's highnefs, before the juftice of the faid county of Denbigh, in the great feflions there, and fome before the juftices of the peace within the fame county, for offences fuppofed to be done within divers of the faid lordfhips fo tranflated, and alfo divers judgments given at the fuit of the parties before the faid juftices; and fome before the fheriff of the faid county of Denbigh, for matters rifen and grown within the precinct of the faid lordfhips or other places, before the tranflation of the fame:* (2) It is now ordained and enacted, that all the faid indictments and prefentments fhall be heard, tried, and determined within the faid county of *Denbigh*, by perfons as well of the faid lordfhip or place where the faid offences were done or committed, as of other place or places within the faid county of *Denbigh*, in manner and form, as though the faid tranflations had never been had ne made: (3) And alfo that the faid judgments as before given or had between party and parties, before any juftice of record or other officer within the faid county of *Denbigh*, for any matter or caufe, appearing by the record of the fame to be grown and rifen within any of the faid lordfhips, parifhes, towns, or hamlets fo tranflated, fhall and may be executed by the fheriff of the faid county of *Denbigh* within any of the fame lordfhips, or other place fo tranflated; the faid tranflation, or any other caufe or matter to the contrary thereof notwithstanding.

Indictments  
or prefent-  
ments made  
for fuits de-  
pending in  
lordfhips that  
were removed  
from one  
county to ano-  
ther.

XCVIII. *Item*, Like law and order to be kept and miniftered upon all other like tranflations of any other lordfhips, manors, towns, parifhes, and other places within *Wales*, had, made or done in this prefent parliament, or any other afore or after the fame tranflations, or any other caufe or matter to the contrary thereof notwithstanding.

Suits tried at  
petty feflions.

XCIX. *Item*, Where there fhall be divers and many fuits taken before the faid justices in pleas perfonal, which (as it is thought) cannot be tried before them in the time of the faid great feflions, for brevity of time: therefore, and for the speedy trial

trial of these matters, the issues taken in the said suits shall and may be tried at a petty sessions, before the deputy justices there, as is and hath been used in the said three shires of *North Wales*; except such of the said suits, as by the discretion of the said justices shall be thought necessary to be tried before themselves, within their limits; (2) and that there shall be no suit taken before any of the said justices by bill, under the sum of twenty shillings. No suit by bill under xx s.

C. Item, If any murder or felony hereafter be committed or done within *Wales*, that then the party or parties to whom any such offence shall hap to be committed, shall in no wise make any end or agreement with the offenders in that behalf, nor with any other in his name or behalf, unless the said party first make the said president and council, or one of the said justices, privy unto the same, (2) upon pain of imprisonment, and grievous fine to be set and adjudged at the discretion of the said president, council and justices, or two of them, whereof the said president to be one; the same pain and penalty to extend as well to and against such as shall labour, move, or procure any such end or agreement made, although the same labour, motion, or procurement never take effect, to make any end or agreement, as against him or them with whom such end or agreement shall be made, if the same happen to take effect. No agreement shall be made with a felon without consent of the president, &c. 26 H. 8. c. 6. l. 10.

CI. Item, *Where divers lordships marchers, as well in Wales, as in the borders of the same, now being by act of parliament annexed to divers shires of England, be lately come to the King's hands by suppression of houses, by purchase or attainders, and now be under the survey of the court of augmentations, or of the King's general surveyors, the liberties, franchises, and customs of all which lordships be lately revived by act of parliament made in the thirty-second year of his most gracious reign*; nevertheless his Majesty willeth and commandeth, that no other liberties, franchises, or customs shall from henceforth be used, claimed, or exercised within the said lordships, nor any other lordships within *Wales*, or the county of *Monmouth*, whosoever be lord or owner of the same, but only such liberties, franchises and customs, as be given and commanded to the lords of the same lordships, by force and virtue of the said act of parliament made for *Wales*, in the said twenty-seventh year of his Grace's reign, and not altered ne taken away by this ordinance; the said act made in the said thirty-second year, or any other act, grant, law, or custom to the contrary thereof notwithstanding. 32 H. 8. c. 20. Franchises of lordships in Wales, and the marches of the same.

CII. Item, That if any person or persons, their ancestors, or they whose estate the same person or persons have or hath, in peaceable possession of any lands or tenements in *Wales*, by the space of five years, without lett, interruption, or lawful claim: that then the same person or persons shall still continue their possession, until such time as it shall be lawfully recovered against them by the order of the King's laws, or by decree of the president and council there. 27 H. 8. c. 26. Peaceable possession of lands five years.

CIII. Item, In actions personal, taken and pursued before jury de circuit the cumstantibus.

the said justices in *Wales*, by original writ or bill, if nine of the jury be sworn to try the issue between the party plaintiff and the defendant, and the residue of the said jury make default, or be tried out: then the sheriffs shall and may immediately return other names in the said jury, *de circumstantibus*, unto such time there be twelve men sworn to try the issue between them; as before the justices of *North Wales* hath been afore used and accustomed in such cases.

No sale of  
stolen goods  
shall change  
the property.

CIV. *Item*, That if any goods or chattels be stolen by any person or persons, and sold in any fair or market within the said dominion of *Wales*, that no such sale shall change the property thereof from the owner of the same, but that he may lawfully seize, take and have the same again, upon proof thereof made, the said sale notwithstanding.

None shall buy  
cattle out of  
the market.

CV. *Item*, That no person or persons bargain or buy any manner of beast or other quick cattle in any place within *Wales*, out of the market or fair, unless he can bring forth sufficient and credible witness of the name of the person, what place and time he bought the same, upon pain and danger of such punishment and fine as shall be set upon him by the said president and council, or any of the said justices in his circuit, for the said offence, and as he will therefore answer at his further peril.

Following of  
stolen goods.

CVI. *Item*, If any goods or chattels be stolen withing the limits of any of the said shires in *Wales*, that then upon suit thereof had and made, the track shall be followed from township to township, or lordship to lordship, according to the laws and customs in that behalf heretofore used in *Wales*, upon such penalty and danger as heretofore hath been accustomed.

A freeholder  
may pass in  
any jury.

CVII. *Item*, That every person that hath any lands or tenements in fee-simple or fee-tail, or for term of life, or for term of any other man's life, being freehold, shall and may pass in all manner juries and trials, as well in case of felony or murder, as in all actions real, personal and mixt, whatsoever they be, attain only except; (2) and also may be impanelled, and enquire of all concealments, forcible entries, and other causes of enquiry for the King's majesty, albeit he may not dispend forty shillings by the year; (3) saving to every man his lawful challenge for any other cause, according to the laws of this realm of *England*.

Juror in at-  
taint.

CVIII. *Item*, That no juror shall pass in attain, unless he may dispend forty shillings by the year of estate of freehold.

Tallage at the  
change of  
lords.

CIX. *Item*, The tenants and residents in *Wales* shall pay their tallage at the change of their lords in such places, and after such form, as hath been heretofore accustomed in *Wales*.

Knights for  
shires, bur-  
gessees.  
27 H. 8. c. 26.

CX. *Item*, That all the King's subjects and residents in *Wales* shall find, at all parliaments hereafter to be holden in *England*, knights for the shires, and citizens and burgessees for cities and towns, to be named and chosen by authority of the King's writ under the great seal of *England*, according to the act in that case provided, (2) and shall be charged and chargeable to all subsidies and other charges to be granted by the commons of any of the

Subsidies and  
charges.

the said parliaments, (3) and pay all other their rents, farms, customs and duties to the Kings highness, as they have been accustomed heretofore; fines for redemption of sessions only excepted, which the King's majesty of his most gracious goodness and liberality is contented and pleased to remit at the humble suit of his said loving subjects of his said dominion of *Wales*.

CXI. *Item*, That the town of *Haverfordwest* shall after the end of this present parliament for ever find one burghes for the said burghes. town, at every parliament after that time to be holden: (2) and the charges of the same burghes to be always borne by the mayor, burghesses and inhabitants of the said town, and none other.

CXII. *Item*, That the King's majesty shall have all felons goods, goods, and goods of persons outlawed, waifs, strays and all other forfeitures and escheats whatsoever they be, answered thereof by the hands of the sheriffs; saving always the rights and interests of every of his subjects having lawful title to have the same.

CXIII. *Item*, That all errors and judgments before any of the said justices at any time of the great sessions, in pleas real or mixt, shall be redressed by writ of error, to be sued out of the King's chancery of *England*, returnable before the King's justices of his bench in *England*, as other writs of error be in *England*: (2) And that all errors in pleas personal shall be reformed by bills to be sued before the said president and council of *Wales*, from time to time, as the party grieved will sue for the same. (3) And if in case the judgment be affirmed good in any of the said writs of error or bills, then there to make execution, and all other process thereupon, as is used in the King's bench of *England*: (4) and that the pursuants in every such writ of error or bill do pay like fees therefore, as is used in *England*.

CXIV. *Item*, That no execution of any judgment given or to be given in any base court be stayed or deferred by reason of any writ of false judgment, but that execution shall and may be had and made at all times before the reversal of the said judgment, the pursuit of the said writ notwithstanding. (2) And in case the said judgment happen after to be reversed, then the party pursuant to be restored to all that he hath lost by the said judgment, according to the laws of the realm of *England*.

CXV. *Item*, That all process for urgent and weighty causes shall be made and directed into *Wales* by the special commandment of the chancellor of *England* for the time being, or any of the King's council in *England*, as heretofore hath been used; any thing in this act to the contrary thereof notwithstanding.

CXVI. *Item*, That the town of *Bewdley*, which is within the parish of *Ribbesford* in the county of *Wigorn*, and all the ground and soil of the same town, shall from henceforth be united, annexed and made parcel of the county of *Wigorn*, and to be within the hundred of *Dodingtre*. (2) And that all the inhabitants of the said town and parish shall from henceforth be attendant, and do every thing and things with the inhabitants of the said

hundred, as the same inhabitants be now bound to do by the laws of this realm of *England*. (3) Saving always to the burgessees and inhabitants of the said town of *Bewdley*, all such liberties and franchises as they lawfully had and exercised within the said town before the making of this act, in like manner and form as though this act had never been had nor made.

Llanstiffan,  
Langham and  
Usterloys shall  
be within the  
county of  
Caermarthen.

CXVII. *Item*, That the lordship of *Llanstiffan*, *Usterloys* and *Langham*, and the members of the same, and all manors, lands, tenements and other hereditaments in the same lordship, and the members of the same, be from henceforth united, annexed, joined, named, accepted and taken as part and parcel of the county of *Caermarthen*, and reputed, joined, united, named, accepted and taken as part and parcel of the hundred of *Derles* in the said county of *Caermarthen*. (2) And that the tenants and inhabitants of the said lordships and members be attendant, and do every thing and things with the tenants and inhabitants of the said hundred of *Derles*, as the said inhabitants now be bound to do, according to the laws there used.

County court  
of Radnor.

27 H. 8. c. 16.

CXVIII. *Item*, That the county or shire court of the county of *Radnor* shall from henceforth be holden one time at *New Radnor*, and one other time at *Preston*, *alternis vicibus*, and never from henceforth to be kept or holden at *Rather Gowey*; any former act or other thing to the contrary thereof notwithstanding.

The King  
may add and  
alter laws and  
ordinances.  
This branch is  
repealed 27  
Jac. 1. c. 10.  
14.

CXIX. *Item*, It is further enacted by the authority aforesaid, That the King's most royal majesty shall and may, at all times hereafter from time to time, change, add, alter, order, minister and reform all manner of things afore rehearsed, as to his most excellent wisdom and discretion shall be thought convenient; (2) and also to make laws and ordinances for the common wealth and good quiet of his said dominion of *Wales* and his subjects of the same, from time to time, at his Majesty's pleasure; any thing contained in this act, or in the said act made for the said shire-ground of *Wales*, or any other act or acts, thing or things, to the contrary thereof heretofore made in any wise notwithstanding.

CXX. And that all such alterations of the premises, or any part thereof, and all such laws and ordinances to be hereafter made, devised and published by authority of this act, by the King's majesty, in writing under his Highness great seal, shall be of as good strength, virtue and effect, as if they had been had and made by authority of parliament.

How much the  
King's farmer  
of the subsidy  
of woollen  
clothes in Wales  
shall take for  
the sealing of  
a cloth.

CXXI. *Item*, Be it further enacted and ordained by authority aforesaid, That where the King's majesty that now is, by his letters patents bearing date the first day of *May* in the thirty-fourth year of his most prosperous reign, demised and granted to *William Webbe* the subsidy and usage of all woollen clothes made or to be made in the county of *Monmouth*, and in the twelve shires of *Wales*, that is to say, in the county of *Brecknock*, *Radnor*, *Montgomery*, *Caermarthen*, *Glamorgan*, *Pembroke*, *Cardigan*, *Anglesey*, *Flint*, *Denbigh*, *Caernarvan* and *Merioneth*, and in all and singular towns and other places whatsoever they be

be, within the precinct and limits of the said counties, and elsewhere within the dominion of *Wales*; to have and hold to the said *William Webbe* and his assigns, for certain years yet enduring, (2) that the said *William Webbe*, his deputies and assigns, shall have from henceforth full power and authority, by force of this act, to take for the sealing of every woollen cloth hereafter to be made in the said twelve shires, and elsewhere within the said dominion of *Wales*, as hereafter is declared, and none otherwise; that is to say, for every whole piece of frize, j. d. every half piece of frize, *ob.* every piece of cotton and lining being xxiv. yards and under, *ob.* and for every piece of the same being above xxiv. yards, j. d. of every broad-cloth, j. d. of every piece of kersey being xviii. yards and above, j. d. of every piece of kersey being under xviii. yards, *ob.*

CXXII. Provided always, That this act, ne nothing therein contained, extend not to charge any manner of person or persons, being or that hereafter shall be inhabitant in any of the said twelve shires, or elsewhere within the dominion of *Wales*, for any cloths, frizes, kerseys, or linings made or hereafter to be made and occupied within their houses, and not to put to sale to any person or persons, but to their servants for their wearing.

Cloths made within the owners house not put to sale,

CXXIII. And further be it enacted by the authority aforesaid, That the said aulnager in *Wales*, by himself, or by his sufficient deputy or deputies, shall in all things to his office appertaining, do and be bound to do and answer in every case, like and according as all and every aulnager in the realm of *England* doth or ought to do, according to the laws and statutes of the realm of *England*; and for the contrary doing or exercising of the said office, shall in every case and degree suffer, as by the said laws and statutes is ordained, established or enacted for aulnagers under the lord treasurer of *England* for the time being.

The aulnager in *Wales* bound to the laws of *England*.

CXXIV. And furthermore the King's majesty is contented and pleased, notwithstanding the statute made in the twenty-seventh year of his most gracious reign, That where there should be but twelve shires in *Wales*, that the town of *Haverfordwest* shall be a county in itself, as it hath been before this time used, at the will and pleasure of the King's said majesty; (2) and that it shall be separated from the county of *Pembroke* at the King's said pleasure. (3) And that the King's high justice of the said county of *Pembroke* shall be high justice of the said county and town of *Haverfordwest*, and shall have like power and authority, to and for the administration of justice within the said county and town of *Haverfordwest*, as is limited and appointed to the said justice to and for the administration of justice in the said county of *Pembroke*. (4) And that the mayor, sheriff, bailiffs and burgesses of the said county and town of *Haverfordwest*, from time to time, shall be as well attendant, and obey all precepts and commandments of the president and council of our said sovereign lord the King in his marches of *Wales*, as also shall be attendant to all precepts and process awarded or directed by the said

*Haverfordwest* a county in itself.

said high justice unto the sheriff of the said county and town of *Haverfordwest*, and to make return thereof. (5) And the said sheriff of the said county and town shall serve all precepts and process directed from the said high justice, in like manner and form as the sheriff of the said county of *Pembroke* is bound to do, and according to the effect and purport of the King's ordinances in that behalf had, made and provided. (6) And that it shall be lawful unto the said mayor, sheriffs, bailiffs and burgesses of the said county and town of *Haverfordwest* aforesaid, to use and exercise all lawful liberties and grants, by the King's majesty or his noble progenitors to them granted and confirmed at the King's majesty's will and pleasure, according to the laws of the realm of *England*, and not otherwise. (7) And that the judicial seal of the said shires of *Pembroke*, *Caermarthen* and *Cardigan*, being in the custody and keeping of the King's high justice there for the time being, shall be used in the said county and town of *Haverfordwest*, as the original and judicial seal of the said town and county. (8) And that the said justice of the said shires of *Pembroke*, *Caermarthen* and *Cardigan*, shall have like power and authority, by virtue of the King's letters patents to him made, as well to do all and every thing and things concerning common justice to be ministred within the said town and county of *Haverfordwest*, as he hath in his said letters patents within any of the said shires of *Pembroke*, *Caermarthen* and *Cardigan*.

The judicial  
seal of Pem-  
broke, &c.

CXXV. Provided alway, That this article touching and concerning the county and town of *Haverfordwest*, and all things therein contained, shall stand and endure but only at the King's majesty's will and pleasure, and none otherwise.

This act pre-  
judicial to no  
man's inheri-  
tance.

CXXVI. Provided alway, That this act or any thing therein contained shall not be prejudicial nor hurtful to any person or persons, or bodies politick, for or concerning any lands, tenements, rents, services, bondmen, tolls or other hereditaments; but that they and every of them, their heirs, successors and assigns, and the heirs, successors and assigns of every of them, shall have; hold and enjoy their lands, tenements, rents, services, bondmen and other their hereditaments, in such like manner, form and condition, as they had the same before the making of this act, and as if this act had never been had ne made.

Every of the  
King's officers  
may enjoy his  
office and fees  
as he did be-  
fore.

CXXVII. Provided also, That this act nor any thing therein contained shall be hurtful or prejudicial to any person or persons, for or concerning any office or offices, which they or any of them have by virtue of any the King's letters patents, being now in force before the making of this act, nor to the fees of money used and accustomed to be paid for the exercise of any such offices, but that every person and persons having such offices and fees, and their substitutes and deputies, shall and may have and exercise their said offices as is limited by this act, and as they might have done before the making of this act, and shall also have and perceive all such fees for the exercise of the said offices, in as large and ample manner, form and condition, as they might  
afore

afore the making of this act, and as if this act had never been had ne made.

CXXVIII. Provided always, That all lands, tenements and hereditaments, within the ſaid dominion of *Wales*, shall descend to the heirs, according to the course of the common laws of the realm of *England*, according to the tenor and effect of this act, and not to be used as gavelkind; any thing contained in these provisions or any of them to the contrary thereof notwithstanding.

No gavelkind land, but descendable according to the course of the common law.

CXXIX. Provided always, That this act, ne any clause, article or thing therein contained, be in any wise prejudicial or hurtful to *George Blunt* esquire, son and heir to Sir *John Blunt* knight, deceased, for or concerning the offices of stewardships of the King's lordships or manors of *Bewdley* and *Clebury*, or any other office or offices heretofore granted unto the said *George Blunt* by the King's letters patents, sealed under the great seal of *England*, for term of life of the same *George*, or for or concerning any fees, wages, rewards, annuities, profits, commodities, advantages or emoluments, appertaining or belonging unto the said offices or any of them; but that the said *George*, his deputy and deputies, shall and may at all time and times, during the life of the same *George*, have, hold, exercise and enjoy the same offices, and every of them, and also perceive, levy and take the fees, wages, rewards, and all other profits and commodities to the same offices, and every of them, or to any of them belonging, or in any wise appertaining, in as large and ample manner, form and condition to all intents, constructions and purposes, as though this act had never been had or made; any thing before in this act contained to the contrary notwithstanding.

The offices and fees of *George Blunt* reserved.

CXXX. Provided always, That all liberties, franchises and privileges of the duchy of *Lancaster*, or in any wise appertaining to the same, shall be of the same force, plight, quality, goodness and condition, and may be used in as large and ample manner, as they were before the making of this act, and as if this act had never been had nor made; any thing in this act to the contrary thereof notwithstanding.

All liberties of the duchy used as before.

#### CAP. XXVII.

An act for the subsidy of the temporalty.

#### CAP. XXVIII.

An act for the subsidy granted by the clergy.

Statutes made at *Westminster*, Anno 35 HEN. VIII.  
and *Anno Dom.* 1543.

**H**ENRY the Eighth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, to the honour of Almighty God, and for the concord, quiet and wealth of this his realm, and subjects of the same, begun this third session of this most high court of parliament, at Westminster the fourteenth day of January in the five and thirtieth year of his Majesty's most noble and victorious reign, and there held and continued the same third session till the nine and twentieth day of March in the said five and thirtieth year, wherein were established these acts following.

CAP. I.

*An act for the establishment of the King's succession.*

The King's  
succession in  
the crown.

In what sort  
the crown of  
England was  
entailed by  
the statute of  
28 H. 8. c. 7.

**W**HERE in the parliament holden at Westminster the eighth day of June in the eight and twentieth year of the reign of our most dread sovereign lord King Henry the Eighth, an act was had and made for the establishment of the succession of the imperial crown of this realm of England, by which act, amongst divers other things, it was enacted, That the imperial crown of this realm, with all dignities, honours, preeminences, prerogatives, authorities, and jurisdictions to the same annexed or belonging, should be to the King's majesty and his heirs of his body lawfully begotten, that is to say, to the first son of his body between his Highness and his then lawful wife Queen Jane, now deceased, begotten, and to the heirs of the body of the same first son lawfully begotten; and for default of such heirs, then to the second son of his highness body and of the body of the said Queen Jane begotten, and to the heirs of the body of the same second son begotten, with divers other limitations of the estates, conveyance, and remainders of the said imperial crown and other the premises.

II. And it was also enacted further by the said statute, That for lack of issue of our said sovereign lord the King's body lawfully begotten; that then his Highness should and might give, will, limit, assign, appoint, or dispose the said imperial crown, and other the premises, to what person or persons, and give the same person or persons such estate in the same, as it should please his Majesty, by his gracious letters patents under the great seal, or by his last will in writing, signed with his most gracious hand, as by the same act among divers other things therein contained, more at large it doth appear; (2) sithen the making of which act, the King's majesty hath one only issue of his body lawfully begotten, betwixt his Highness and his said late wife Queen Jane, the noble and excellent prince, prince Edward, whom Almighty God long preserve; (3) and also his Majesty hath now of late,

late, sithen the death of the said Queen Jane, taken to his wife the most virtuous and gracious lady Katherine, now Queen of England, late wife of John Nevil knight, lord Latimer deceased, by whom as yet his Majesty hath none issue, but may have full well, when it shall please God; (4) and forasmuch as our said most dread sovereign lord The King's intended voyage into France, the King upon good and just grounds and causes, intendeth by God's grace to make a voyage royal, in his most royal person, into the realm of France, against his ancient enemy the French King; (5) His Highness most prudently and wisely considering and calling to his remembrance, how this realm standeth at this present time in the case of succession, and poising and weighing further with himself the great trust and confidence that his loving subjects have had and have in him, putting in his hands wholly the order and declaration of the succession of this realm; (6) recognizing and acknowledging also, that it is in the only pleasure and will of Almighty God, how long his Highness or his said entirely beloved son prince Edward shall live, and whether the said prince shall have heirs of his body lawfully begotten, or not, or whether his Highness shall have heirs begotten and procreated between his Majesty and his said most dear and entirely beloved wife Queen Katherine that now is, or any lawful heirs and issues hereafter of his own body begotten by any other his lawful wife: (7) and albeit that the King's most excellent majesty, for default of such heirs as be inheritable by the said act, might by authority of the said act give and dispose the said imperial crown, and other the premisses, by his letters patents under his great seal, or by his last will in writing, signed with his most gracious hand, to any person or persons, of such estate therein as should please his Highness to limit and appoint; yet to the intent that his Majesty's disposition and mind therein should be openly declared and manifestly known, and notified as well to the lords spiritual and temporal, as to all other his loving and obedient subjects of this his realm, to the intent that their assent and consent might appear to concur with thus far as followeth of his Majesty's declaration in this behalf: (8) his Majesty therefore thinketh convenient, afore his departure beyond the seas, that it be enacted, by his Highness, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, and therefore be it enacted by the authority aforesaid, That in case it shall happen the King's majesty, and the said excellent prince his yet only son prince Edward, and heir apparent, to decease without heir of either of their bodies lawfully begotten (as God defend) so that there be no such heir male or female of any of their two bodies, to have and inherit the said imperial crown, and other his dominions, according and in such manner and form as in the fore said act and now in this is declared: that then the said imperial crown, and all other the premisses, shall be to the lady Mary, the King's highness daughter, and to the heirs of the body of the same lady Mary, lawfully begotten, with such conditions as by his Highness shall be limited by his letters patents under his great seal, or by his Majesty's last will in writing signed with his gracious hand. (9) And for default of such issue, The remainder to the lady Elizabeth.

lady *Elizabeth*, the King's second daughter, and to the heirs of the body of the said lady *Elizabeth*, lawfully begotten, (10) with such conditions, as by his Highness shall be limited by his letters patents under his great seal, or by his Majesty's last will in writing, signed with his gracious hand; any thing in the said act made in the said eight and twentieth year of the said sovereign lord, to the contrary of this act notwithstanding.

The estate of the lady *Mary* tied with conditions.

III. Provided alway, and be it enacted by the authority aforesaid, That if the lady *Mary* do not keep and perform such conditions, which the King's majesty shall hereafter by his Grace's letters patents, sealed under his great seal, or by his Majesty's last will in writing, signed with his Highness hand, declare and limit to her said estate, in the said imperial crown, and other the premisses: That then and from thenceforth, for lack of heirs of the several bodies of the King's majesty and the said prince *Edward* lawfully begotten, the said imperial crown, and other the premisses, shall be and come to the said lady *Elizabeth*, and to the heirs of her body lawfully begotten, in such like manner and form, as though the said lady *Mary* were then dead, without any heir of her body begotten; any thing in this act contained to the contrary notwithstanding.

The estate of the lady *Elizabeth* tied with conditions.

IV. Provided alway, and be it further enacted by the authority aforesaid, That if the said lady *Mary* do keep and perform such conditions, which the King's majesty shall hereafter by his Grace's letters patents, sealed under his great seal, or by his Majesty's last will in writing, signed with his Highness hand, declare and limit to her said estate, as is aforesaid, and that the said lady *Elizabeth*, for her part do not keep and perform such conditions, which the King's majesty shall hereafter by his Grace's letters patents, sealed under his great seal, or by his Highness last will in writing, signed with his most gracious hand, declare and limit to her said estate in form aforesaid: that then and from thenceforth, for lack of heirs of the several bodies of the King's majesty, the said lord prince, and of the said lady *Mary*, lawfully begotten, the said imperial crown, and other the premisses, shall be and come to such person and persons, and of such estate and estates, as the King's highness by his letters patents sealed under his great seal, or by his last will in writing, signed with his Majesty's hand, shall limit and appoint.

A limitation of the crown, if the lady *Mary* do break her conditions, and the lady *Elizabeth* die without issue.

V. Provided alway, That if the said lady *Mary* do not keep and perform such conditions which shall be limited and appointed to her said estate in the said imperial crown, and other the premisses as is aforesaid, and the said lady *Elizabeth* being then dead without any heir of her body lawfully begotten; that then and from thenceforth, for lack of heirs of the several bodies of the King's majesty, and the said lord prince lawfully begotten, the said imperial crown, and other the premisses, shall be, come and remain to such person and persons, and of such estate and estates, as the King's highness by his letters patents,

patents, sealed under his great seal, or by his last will in writing, signed with his Majesty's hand, shall limit and appoint.

VI. Provided always, and be it enacted by authority aforesaid, That in case the King's majesty do not declare and limit by his letters patents, or by his last will, in form as is aforesaid, any condition to the estates and interest afore limited to the said lady *Mary*, and lady *Elizabeth*, nor to the estate or interest of any of them: that then every such of the said lady *Mary*, and lady *Elizabeth*, to whose estate or interest no condition shall be limited by the King's majesty in form aforesaid, shall have and enjoy such interest, estate and remainder in the said imperial crown, and other the premisses, as is before limited by this act, without any manner of condition; any thing in this present act to the contrary thereof notwithstanding.

The estates of the lady *Mary* and *Elizabeth*, if the King limit no conditions.  
Made perpetual: *Eliz.* c. 3. f. 4.

VII. And forasmuch as it standeth in the only pleasure and will of Almighty God, whether the King's majesty shall have any heirs begotten and procreated between his Highness and his said most entirely beloved wife Queen *Katharine*, or by any other his lawful wife, or whether the said prince *Edward* shall have issue of his body lawfully begotten, or whether the lady *Mary* and lady *Elizabeth*, or any of them, shall have any issue of any of their bodies lawfully begotten, and if such heirs should fail (which God defend) and no provision made in the King's life, who should rule and govern this realm, for lack of such heirs, as in this present act is afore mentioned: that then this realm after the King's transitory life, and for lack of such heirs, should be destitute of a lawful governor to order, rule and govern the same:

VIII. Be it therefore enacted by the authority of this present parliament, That the King's highness shall have full power and authority to give, dispose, appoint, assign, declare and limit by his gracious letters patents under his great seal, or else by his Highness last will made in writing, and signed with his most gracious hand, at his only pleasure, from time to time hereafter, the imperial crown of this realm, and all other the premisses, to be, remain, succeed, and come after his decease, and for lack of lawful heirs of either of the bodies of the King's highness and prince *Edward* begotten, and also for lack of lawful heirs of the bodies of the said lady *Mary* and lady *Elizabeth*, to be procreated and begotten, as is afore limited in this act, to such person and persons in remainder or reversion, as shall please his Highness, and according to such estate, and after such manner and form; fashion; order or condition, as shall be expressed, declared, named and limited in his Highness letters patents, or by his last will in writing, signed with his most gracious hand, as is aforesaid; any thing contained in this present act, or in the said former act, to the contrary thereof in any wise notwithstanding.

The King by his will or letters patents may assure the reversion or remainder of the crown to such person as he will.  
1 Bullstr. 199.  
1 *Eliz.* c. 3.

IX. And for further corroboration of this present act, and of the said act made in the said eight and twentieth year of our said sovereign lord, and also utterly to exclude the long usurped power, authority and jurisdiction of the bishops of *Rome*, where

in the said act made for the establishment of the Kings succession, at the said parliament holden at *Westminster* the eighth day of *June*, in the eight and twentieth year of the King's majesty's reign, there is one oath limited in the said act, as in the said act amongst other things appeareth.

They which have sworn the foresaid oaths shall esteem them as if they had sworn this.

X. And where also at the said parliament there was another statute made and ordained against such as would both extol and stand to the jurisdiction, power and authority of the see and bishop of *Rome*, in which statute there is comprised another oath, in such wise as in the same statute amongst other things is mentioned. (2) Forasmuch as in both the said oaths, mentioned in the said several acts, there lacketh full and sufficient words, whereby some doubts might arise: therefore be it enacted by the authority of this present parliament, That from and after the last day of this session, all and every such person and persons, which be ordered and limited by the said several acts, to take the said oaths mentioned in the same act, shall thenceforth, in lieu and place of these two oaths, take and swear this corporal oath, according to the tenor ensuing. (3) And that they which have already sworn the other aforesaid oaths, or any of them, shall take and esteem it of the same effect and force, as though they had sworn this. (4) Which former oaths notwithstanding, because they be not so pithy to all effects, nor so plainly set forth as were convenient: therefore be it enacted by authority of this present parliament, that after this present session, the said oaths specified in the said several acts, shall not thereafter be ministred, nor any person hereafter be compelled to accept the same, and this oath hereafter mentioned in this act, to stand in force and place of the said two oaths.

The oath against the authority of the bishop of Rome, and for the maintenance of the title of the King and his heirs.  
Rep. 1 & 2  
Ph. & M. c. 8.  
See Eliz. c. 1.

XI. *I A. B. having now the vail of darknes of the usurped power, authority and jurisdiction of the see and bishop of Rome clearly taken away from mine eyes, do utterly testify and declare in my conscience, that neither the see nor the bishop of Rome, nor any foreign potentate, hath, nor ought to have any jurisdiction, power or authority within this realm, neither by God's law, nor by any other just law or means. (2) And though by sufferance and abuse in times passed, they aforesaid have usurped and vindicated a fained and an unlawful power and jurisdiction within this realm, which hath been supported till few years passed; therefore because it might be deemed and thought thereby, that I took or take it for just and good, I therefore now do clearly and frankly renounce, refuse, relinquish and forsake that pretended authority, power and jurisdiction, both of the see and bishop of Rome, and of all other foreign powers: (3) and that I shall never consent nor agree that the foresaid see or bishop of Rome, or any of their successors, shall practise, exercise, or have any manner of authority, jurisdiction or power within this realm, or any other the King's realms or dominions, nor any foreign potentate, of what estate, degree or condition soever he be, but that I shall resist the same at all times to the uttermost of my power: (4) and that I shall bear faith, truth and true allegiance to the King's majesty, and to his heirs and successors, declared, or hereafter to be declared by the authority*

authority of the act made in the session of the parliament holden at Westminster the fourteenth day of January, in the five and thirtieth year, and in the said act made in the eight and twentieth year of the King's majesty's reign: (5) and that I shall accept, repute and take the King's majesty, his heirs and successors (when they or any of them shall enjoy his place) to be the only supreme head in earth, under God, of the church of England and Ireland, and of all other his Highness's dominions: (6) and that with my body, cunning, wit, and uttermost of my power, without guile, fraud, or other undue mean, I shall observe, keep, maintain and defend all the King's majesty's styles, titles and rights, with the whole effects and contents of the acts provided for the same, and all other acts and statutes made, or to be made within this realm, in and for that purpose, and the derogation, extirpation and extinguishment of the usurped and pretended authority, power and jurisdiction of the see and bishop of Rome, and all other foreign potentates, as afore: (7) and also as well the said statute made in the said eight and twentieth year, as the statute made in the said session of the parliament holden the five and thirtieth year of the King's majesty's reign, for establishment and declaration of his Highness's succession, and all acts and statutes made, and to be made in confirmation and corroboration of the King's majesty's power and supremacy in earth of the church of England and of Ireland, and of other the King's dominions, I shall also defend and maintain with my body and goods, and with all my wit and power, (8) and this I shall do against all manner of persons; of what estate, dignity, degree or condition they be, and in no wise do, nor attempt, nor to my power suffer, or know to be done or attempted, directly or indirectly, any thing or things privily or apertly, to the let, hinderance, damage or derogation of any of the said statutes, or of any part of them, by any manner of means, or for or by any manner of pretence.

(9) And in case any oath hath been made by me to any person or persons in maintenance, defence or favour of the see and bishop of Rome, or his authority, jurisdiction or power, or against any the statutes afore said, I repute the same as vain and annihilate, and shall wholly and truly observe and keep this oath. So help me God, all saints, and the holy evangelists, A former oath reputed vain and void by the party that sweareth.

XII. And it is also enacted by authority afore said, That all and every person and persons, spiritual and temporal, suing livery, restitution, or *Ouster le main*, out of the King's, his heirs or successors hands, or doing any fealty to his Highness, his heirs or successors, or which shall be sworn to the King, his heirs or successors, or that shall have any office, fee or rowme of the most gracious gift of the King's majesty, his heirs or successors, or shall be received in service with his Grace, his heirs or successors, shall make, take or receive the said oath. Who shall take this oath.

XIII. And that also all and every other ecclesiastical person, at the time of his taking of orders, (2) and all and every other person which shall be promoted or preferred to any degree of learning in any university within this his realm, or other the King's dominions, at the time of his or their promotion or preferment, or every of them, shall make, take and receive the said oath by this act set forth and declared, as is afore said, before

fore his or their ordinary, or the commissary of such university. (3) And that all and singular other the King's majesty's subjects and residents within this his Grace's realm, and other his Majesty's dominions, at his Highness will and pleasure shall accept and take the same oath before such commissioner or commissioners as his Highness shall appoint for the same.

It shall be high treason to refuse to take the aforesaid oath. Rep. 1 Ed. 6. c. 12.

2 M. sess. 1. c. 1.

XIV. And it is also enacted by the authority aforesaid, That if any person or persons limited or commanded by the authority of this act to make and take the said oath, or commanded by any other person or persons authorized by the King's highness commission under his great seal to make the said oath, obstinately refuse that to do: that then every such offence and contempt shall be high treason, (2) and the offenders thereof being lawfully convicted, shall suffer pains of death, and other forfeitures, penalties and losses as is limited and accustomed in cases of high treason, by any laws or statutes of this realm heretofore had or made in any wise concerning the same.

The penalty for doing any thing to the interruption of this act, or of any estate limited thereby.

25 H. 8. c. 22.

28 H. 8. c. 7.

1 Ed. 6. c. 12.

1 Eliz. c. 3.

XV. And be it further enacted by authority aforesaid, That if any person or persons, of what estate, degree, dignity, or condition soever they be, at any time hereafter, by words, writing, imprinting, or by any exterior act or deed, maliciously or willingly procure or do, or cause to be procured or done directly or indirectly, any thing or things, and for the interruption, repeal, or annulment of this act, or of any thing therein contained, or of any thing that shall be done by the King's highness, in the limitation and disposition of his Majesty's crown, and other the premises, by authority of the same, or to the peril slander or dishonour of any the issues and heirs of the King's majesty, being limited by this act, to inherit, and to be, inheritable to the crown of this realm, in such form as is aforesaid, or to the interruption or dishonour of any person or persons to whom the imperial crown of this realm, and other the premises is assigned, limited and appointed by this act, or shall be by the King's majesty's letters patents under his Highness great seal, or by his last will in writing, signed with his most gracious hand, limited and disposed by the authority of this act, as is aforesaid, whereby any such issues or heirs of the King's majesty, or such other person or persons, might be destroyed, disturbed or interrupted in body or title, of the inheritance of the crown of this realm, as to them is limited in this act, in form above rehearsed, or as to them shall be limited or assigned by the King's highness, by virtue and authority of this act; that then every such person and persons, of what estate, degree or condition soever he or they be; and their aiders, counsellors, maintainers and abettors, and every of them, for every such offence afore declared, shall be adjudged high traitors, and that every such offence afore specified, shall be adjudged high treason, (2) and the offenders therein, their aiders, counsellors, maintainers and abettors, and every of them, being lawfully convicted of any such offence, after the laws and customs of this realm, shall suffer pains of death, and losses and forfeitures, as in cases of high treason:

XVI. Saving

XVI. Saving alway to every person and persons, and bodies politick, to their heirs, assigns and successors, and to the heirs and successors of every of them (other than such persons as shall be so convicted or attainted, and their heirs and successors, and all other claiming to their uses) (2) all such right, title, use, interest, possession, condition, rents, fees, offices, annuities and commons, which they or any of them shall have, in or upon any such manors, lands, tenements, rents, annuities or hereditaments, that shall so happen to be lost and forfeit by reason of any conviction or attainder for any the treasons and offences above rehearsed, at any time before the said treasons and offences committed.

## CAP. II.

*An act for the trial of treasons committed out of the King's dominions.*

Forasmuch as some doubts and questions have been moved, That certain kinds of treasons, misprisions, and concealments of treasons, done, perpetrated, or committed out of the King's majesty's realm of England, and other his Grace's dominions, cannot ne may by the common laws of this realm be enquired of, heard and determined within this his said realm of England: (2) for a plain remedy, order and declaration therein to be had and made, be it enacted by authority of this present parliament, That all manner of offences, being already made and declared, or hereafter to be made or declared by any of the laws and statutes of this realm to be treasons, misprisions of treasons, or concealments of treasons, and done perpetrated or committed, or hereafter to be done, perpetrated or committed, by any person or persons out of this realm of England, shall be from henceforth enquired of, heard and determined before the King's justices of his bench, for pleas to be holden before himself, by good and lawful men of the same shire where the said bench shall sit and be kept, (3) or else before such commissioners, and in such shire of the realm, as shall be assigned by the King's majesty's commission, and by good and lawful men of the same shire, in like manner and form to all intents and purposes, as if such treasons, misprisions of treasons, or concealments of treasons had been done, perpetrated and committed within the same shire where they shall be so enquired of, heard and determined as is afore-  
Where and before whom treasons committed out of the realm shall be tried.  
 13 Co. 54.  
 1 Roll. 92.  
 Dyer 131. b.

II. Provided always, That if any the peers of this realm shall happen to be indicted of any such treasons, or other offences afore said, by the authority of this act, that then, after such indictment, they shall have their trial by their peers, in such like manner and form as hath heretofore been accustomed.  
Trial of peers.  
 1 Bulst. 198.  
 26 H. 8. c. 13.  
 5 & 6 Ed. 6.  
 c. 11.  
 Dyer 298, 361.

## CAP. III.

*An act for the ratification of the King's majesty's stile.*

WHERE our most dread natural and gracious sovereign leige lord the King hath heretofore been, and is justly lawfully and  
The King's stiles and titles  
 notoriously

Repealed 1 &  
2 Ph. & M.  
c. 8. and re-  
vived by 1 El.  
c. 1.  
Dyer 98.

notoriously known, named, published and declared to be, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth supreme head; and hath justly and lawfully used the title and name thereof, as to his Grace appertaineth: be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all and singular his Grace's subjects and retainers, of or within this his realm of England, Ireland, and elsewhere within other his Majesty's dominions, shall from henceforth accept and take the same his Majesty's stile, as it is declared and set forth in manner and form following; that is to say, in the Latin tongue by these words, *Henricus Octavus Dei Gratia, Angliæ, Franciæ & Hiberniæ Rex, fidei defensor, & in terra ecclesiæ Anglicanæ & Hibernicæ supremum caput*; and in the English tongue by these words, *Henry the Eighth, by the grace of God King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head*: and that the said stile, declared and set forth by this act, in manner and form as is above-mentioned, shall be from henceforth, by the authority aforesaid, united and annexed for ever to the imperial crown of his Highness's realm of England.

II. It shall be high treason to attempt to deprive the King of this stile. Rep. 1 M. st. 1. c. 1. f. 3.

## CAP. IV.

The bill for decayed houses and tenements in Wales.

## CAP. V.

No person shall be put to his trial upon an accusation concerning any of the offences comprised in the statute of 31 H. 8. c. 14. but only upon such as shall be made by the oath of twelve men before commissioners authorized: and the presentment shall be made within one year after the offence committed. No person shall be arrested or committed to ward for any such offence before he be indicted. If any preacher or reader shall speak any thing in his sermon or reading, contrary to any matter contained in the six articles, he shall be accused or indicted thereof within forty days, or else be discharged of the said offence.

REP. 1 E. 6.  
c. 12.

## CAP. VI.

The bill for the better appearance in the Nisi prius.

What kind of  
jurors shall ap-  
pear upon a  
Nisi prius, &c.  
Goldsb. 136. pl.  
39.

Forasmuch as the issues joined in every action, suit, and demand between party and party at the common law, are by the laws of this realm for the most part tried and triable by the verdict of twelve men, wherein is daily seen great delay, partly for lack of appearance of the persons returned to try such issues, the occasion whereof cometh by reason of maintenance, imbracery, sinister labour, and corrupt demeanors, and partly by reason of the challenges of the parties to the jury

*jury or jurors so returned, to the great costs, charges, and hindrance of the parties to the said actions, suits and demands, and to the great delay and hindrance of justice :*

II. For reformation whereof, and for the more expedition of justice hereafter to be had in such manner trial of issues,

III. Be it enacted by the authority of this present parliament, That in every case where such persons as should pass upon the trial of any issue joined in any of the King's courts of record, commonly holden at *Westminster*, ought by the law to dispend xl. s. by the year of freehold for term of life, that the writs of *venire facias*, which, from and after the first day of *April* next coming, shall be awarded and directed for the impanelling of such persons as shall try the same issue, shall be in this form ; *Rex, Et. Præcipimus, Et. quod venire fac' coram, Et. xij. liberos Et legales homines de vicineto de B. quorum quilibet habeat quadraginta solidat' terræ, tenement' vel reddit' per annum ad minus, per quos rei veritas melius sciri poterit : Et qui nec, Et.* and so forth the residue of the said writ, after the ancient form. (2) And in every case where it is not requisite, that the persons that shall pass upon the trial of any issue joined in any of the King's courts aforesaid, shall dispend xl. s. by the year of freehold, that then the writs of *venire facias* that shall be awarded after the said first day of *April*, shall be made after the form aforesaid, omitting this clause, *quorum quilibet habeat quadraginta solidat' terræ, ten' vel reddit' per annum ad minus.* (3) And that upon every such writ and writs of *venire facias* that shall have the said clause, *quorum quilibet, Et.* the sheriff, or other minister or ministers to whom the making of the panel shall appertain, shall not return in any such panel any person, unless he may dispend xl. s. by the year at the least of estate of freehold out of ancient demesne within the county where the issue is to be tried. (4) And also shall return in every such panel upon the same *venire facias* six sufficient hundredors at the least, if there be so many hundredors within the said hundred where the venue lieth, (5) upon pain to forfeit for every person being returned in any such panel, that cannot dispend xl. s. by the year, as is aforesaid, xx. s. (6) And for every hundredor that shall be omitted in such return of the number aforesaid, xx. s. (7) And in every writ of *venire facias*, wherein the said clause, *quorum quilibet Et.* shall be omitted, the sheriff, or other minister or ministers to whom the making of the panel shall appertain, shall not return in any such panel, any person, unless he may dispend some lands or tenements of estate of freehold out of ancient demesne within the county where the issue is to be tried, (8) and also shall return in every such panel upon the same *venire facias*, six sufficient hundredors at the least, if there be so many hundredors within the said hundred where the venue lieth, upon like pain as is aforesaid.

IV. And furthermore be it enacted by the authority aforesaid, That upon every first writ of *habeas corp'* or *distringas*, with a *nisi prius*, delivered of record to the sheriff, or other minister or ministers to whom the making of the return shall appertain, the

The form of a *venire facias*, where each juror must dispend xl. s. yearly, and where he need not.  
Godbolt 334.  
pl. 427.  
2 Roll. 331.

27 El. c. 6.

Six hundredors shall be returned by the sheriff.

What issues shall be returned upon jurors.  
27 El. c. 6.

said

said sheriff, and other minister and ministers, shall, from and after the said first day of *April*, return in issues upon every person impanelled and returned upon any such writ, at the least v. s. (2) And at the second writ of *habeas corpora*, or *disfringas*, with a *nisi prius*, upon every person impanelled and returned upon any such writ, x. s. at the least: (3) and at the third writ of *habeas corpora*, or *disfringas*, with a *nisi prius*, that shall be further awarded upon every such person impanelled and returned upon any such writ, xij. s. iv. d. (4) and upon every writ that shall be further awarded to try any such issue, to double the issues last afore specified, until a full jury be sworn, or the process otherwise ceased or determined, upon pain to forfeit for every return to be made contrary to the form aforesaid, v. l.

V. And for a more speedy trial of issues to be tried by the verdict of twelve men, hereafter to be had.

Tales de circumstantibus at the plaintiff's or defendant's request.

By 5 El. c. 25. this section extended to the twelve shires in Wales, &c.

By 4 & 5 Ph. & M. c. 7. a tales may be granted on a *qui tam*, &c.

1 Roll. 52.

2 Roll. 76, 183,

394.

Poph. 35.

Dyer 200, 376, b.

Challenges of the tales.

10 Co. 102. b.

VI. Be it further enacted by the authority aforesaid, That in every such writ of *habeas corpora*, or *disfringas*, with a *nisi prius*, where a full jury, shall not appear before the justices of assizes or *nisi prius*, or else after appearance of a full jury, by challenge of any of the parties the jury is like to remain untaken for default of jurors, that then the same justices, upon request made by the party plaintiff or defendant, shall have authority by virtue of this act to command the sheriff, or other minister or ministers to whom the making of the said return shall appertain, to name and appoint, as often as need shall require, so many of such other able persons of the said county then present at the said assizes or *nisi prius*, as shall make up a full jury; which persons so to be named and impanelled by such sheriff, or other minister or ministers, shall be added to the former panel, and their names annexed to the same.

VII. And that every of the parties shall and may have his or their challenge to the jurors so named, added and annexed to the said former panel by the said sheriff or other minister or ministers, in such wise as if they had been impanelled upon the *venire facias* awarded to try the said issue; (2) and that the said justices shall and may proceed to the trial of every such issue with those persons that were before impanelled and returned, and with those newly added and annexed to the said former panel by virtue of this act, in such wise as they might or ought to have done, if all the said jurors had been returned upon the writ of *venire facias*, awarded to try the said issue.

VIII. And that all and every such trial had after the said first day of *April*, shall be as good and effectual in the law, to all intents, constructions and purposes, as if such trial had been had and tried by twelve of the jurors impanelled and returned upon the writ of *venire facias* awarded to try such issue.

IX. And in case such persons as the said sheriff, minister or ministers, shall name and appoint, as is aforesaid, or any of them, after they shall be called, be present, and do not appear, or after his or their appearance do wilfully withdraw him or themselves from the presence of the court, that then such justices shall and may set such a fine upon every such juror making default, or will-

wilfully withdrawing himself, as is aforesaid, as they shall think good by their discretion; (2) the said fine to be levied in such manner and form, as issues forfeited and lost by jurors for default of their appearance at the common law have been accustomed to be levied.

X. And be it further enacted by the authority aforesaid, That where any jury that shall be returned by the sheriff, or other minister or ministers, shall be made full by the commandment of the said justices, by virtue of this present act, that yet nevertheless such persons as were returned in the said panel by the sheriff, or other minister or ministers, to try any such issue, that shall not appear, but make default, shall lose the issues upon them returned, in such wise as though the same jury had remained for default of jurors.

The jurors making default shall lose issues.

Bro. issues 26,

XI. Provided alway, and be it enacted, That upon a reasonable excuse for the default of appearance of any juror, or jurors sufficiently proved before the justices of assise or *nisi prius*, at the day of their appearance, by the oaths of two lawful and honest witnesses, that the same justices shall have authority, by their discretions, to discharge every such juror of every such forfeiture of issues upon him returned: (2) and that the sheriff and sheriffs, or other minister or ministers, having commandment by the said justices to omit the returning of such issues, as is aforesaid, upon such juror or jurors, shall be therein discharged of the penalties aforesaid, for the not returning of the said issues, and that yet notwithstanding the said return to be good and effectual in the law; any law, usage or custom to the contrary notwithstanding.

Jurors shall be discharged of issues, upon cause.

XII. Provided also, and be it enacted by authority aforesaid, That if the said justices afore whom any such jury should appear, in the county where such issue is to be tried by virtue of a writ of *nisi prius*, do not come at the day and place appointed, but that the assise or *nisi prius* for that time shall be discontinued, for not coming of the said justices, or for any other occasion, other than by default and lack of jurors, that then every one of the same jurors shall be discharged for forfeiting of any issues upon him returned in the same writ; (2) and the sheriff, or other minister or ministers, shall be likewise discharged of the penalties of this estatute, for the not returning of such issues as are before limited in this act; any article or sentence herein contained to the contrary notwithstanding.

Issues discharged by the not coming of the justices.

XIII. And be it also further enacted by the authority aforesaid, That if upon any such writ of *habeas corpora*, or *distingas*, with a *nisi prius*, issues be returned upon any hundredors, juror or jurors, by the sheriff, or other minister or ministers to whom the execution of the same writ or writs shall appertain, whereas the same hundredors and jurors shall not be lawfully summoned, warned, or distrained in that behalf, that then every such sheriff, or other minister or ministers aforesaid, shall lose, for every such offence so committed, double so much as the said issues returned upon such hundredors or jurors not lawfully summoned, warned

Issues returned upon a jury not lawfully summoned.

The right of  
others to issues  
forfeited,  
saved.

warned or distrained, shall amount unto; (2) the moiety of all which forfeitures contained in this present act, other than the issues to be returned upon the jurors as is aforesaid, shall be to the King our sovereign lord, and the other half to him that will sue for the same by action of debt, bill, plaint or information in, any of the King's competent courts, in which no wager of law, essoin, or protection shall be allowed ne admitted: (3) saving to all manner of persons, and bodies politick and corporate, their heirs and successors, having lawful right, title, and interest to have such issues to be before any such justices of assise or *nisi prius* at any time or times hereafter lost and forfeited, (3) all such right, title and interest, as they or any of them should or might have had to any such issues, to be lost and forfeited, as though this act had never been had or made.

This act shall  
not extend to  
any sheriff or  
minister of a  
town corpo-  
rate.

Continued by  
37 H. 8. c. 22.

Made perpe-  
tual by 2 & 3  
Ed. 6. c. 32.

XIV. Provided also, That this act, nor any thing therein contained, shall not extend to any city or town corporate, or to any sheriff, minister or ministers in the same, for the return of any inquest or panel to be made and returned of persons inhabiting in the said cities or towns corporate, but that they and every of them shall and may return such persons in every such inquest or panel, as before this time they might and have been accustomed to do, and as if this act had never been had nor made, so that the same sheriff, minister or ministers, return upon such persons as shall be impanelled, like issues as are before mentioned in this act; any thing in the same contained to the contrary notwithstanding. (2) This act to endure to the end of the next parliament.

#### CAP. VII.

A repeal of a statute made 25 H. 8. c. 4. touching the forestalling and regrating of fish.

#### CAP. VIII.

23 H. 8. c. 4.  
8 El. c. 9.  
31 El. c. 8.  
35 El. c. 12.  
3 Car. 1. c. 4.

Every artificer of the mystery of coopers may take, for every beer barrel by him sold, x. d. and for every beer kilderkin, vi. d. Whosoever shall carry beer beyond the sea, shall find sureties to the customers of that port, to bring in clapboard meet to make so much vessel as he shall carry forth. No man in London, or within two miles compass, shall cut or diminish any barrels, kilderkins or firkins, but for his own provision. No man shall transport beer in a greater vessel than a barrel, upon pain to forfeit vj. s. viij. d. for every vessel.—*To endure to the end of the next parliament.*

#### CAP. IX.

*Wapping* marsh in the county of *Middlesex* shall be divided by certain persons assigned, or by any six of them; and *Richard Hill* of London, mercer (the assignee of *Cornelius Wanderdelf*, who at his own charge inned and recovered the same,) shall have one moiety thereof to him and to his heirs.

#### CAP. X.

The bill concerning the conduits in London. The mayor and commonalty, &c. of London may amend decayed conduits, and dig, and lay pipes, and erect new ones, &c. making recompence

compence for the same. A remedy for the party whose ground is broken, to recover the money taxed against the mayor, &c. The forfeiture of him who molesteth the mayor or any of his workmen in digging. No water may be conveyed away that is brought to any person's house. No digging in the King's ground without his licence. A pound of pepper shall be paid for fetching water from *Hamstead Heath*. A spring at the foot of *Hamstead Heath* saved.

## C A P. XI.

*The bill for knights and burgesses in Wales, concerning the payment of their fees and wages.*

WHERE the knights of all and every shire of this realm of England, and Wales, and the burgesses of all cities, towns and boroughs of the same, be named, elected and chosen for their assembly in the King's high court of parliament, as by ancient laudable laws and customs of this realm hath been used and accustomed, at and by the King's majesty's high commandments, unto the which knights and burgesses their fees and wages be assigned certainly; that is to say, to every knight by the day iv. s. and to every citizen and burges by the day ij. s. or more, as heretofore hath been accustomed, (2) accounting for the same so many days as the said high court of parliament endureth, with addition thereunto of so many days as every such knight and burges may reasonably journey and resort from their habitations or dwelling-places to the said high court of parliament, and from the said high court to return to their habitations or dwelling-places, together with their costs of writs, and other ordinary fees and charges; (3) which wages, fees and charges at all times ought to be levied and collected by the sheriffs, and by the mayors, bailiffs and other head officers of and in the cities, boroughs and towns aforesaid, wherein some of the said sheriffs, mayors and bailiffs, and other head officers, have been negligent and laches, not endeavouring themselves in accomplishment of their duties in collection and payment of the same in due form, according to justice, to the great hurt, injury and delay of the King's said subjects; (4) be it therefore enacted by the authority of this present parliament, That the sheriffs for the time being of every of the twelve shires in Wales, and in the county of *Monmouth*, from the beginning of this present parliament, shall have full power and authority, by force of this act, to gather and levy, or cause to be gathered and levied, the said knights fees and wages, of the inhabitants of the said twelve shires, and of the said county of *Monmouth*, which ought to pay the same; and the same, so gathered, shall pay or cause to be paid to every such knight or knights, or to his or their assigns, within the term of two months after that any such knight or knights shall deliver, or cause to be delivered, the King's writ *De solutione feodi militis parliamenti*, to any such sheriff; (5) and every such sheriff making default of payment of the said fees or wages, in manner and form as is aforesaid, to lose and forfeit xx. li. whereof the one moiety to be to the King's use, and the other to his or their use that will sue for the same in any of the King's courts of record,

By whom the knights and burgesses in the parliament in Wales shall have their wages paid.

11 H. 6. c. 12.  
The sheriff shall gather the wages of the knights in every county in Wales and in *Monmouth*.

by

by information, bill or plaint, or otherwise afore any of the King's officers, wherein no effoin, protection or wager of law shall be admitted. (6) And if it shall happen any sheriff, in any of the said twelve shires and county of *Monmouth*, to make default of payment of the said wages or fees by a longer term than two months, then every such sheriff to forfeit for every month that he or they shall make default xx. li. to be forfeited and levied in manner and form as is aforesaid.

The levying of the wages of the burgesses of parliament.

II. And that every mayor and bailiff, and other head officers of cities, boroughs and towns in every of the said twelve shires, and in the said county of *Monmouth*, within like term and space of two months after the receipt of the King's majesty's writ *De solatione feod' burgens' parliament'*, like as is before mentioned, for gathering or levying of the knights fees, shall levy, gather and pay the wages and fees to their burgesses in like manner and form as is aforesaid, and in and under like pains and forfeitures, as be before mentioned, to be levied of the goods and chattels of every such mayor, bailiff and other head officer, to whom the King's said writ shall be directed for the levying of such fees, making default of payment of the said fees and wages to the burgesses in manner and form as is aforesaid.

Who shall be choosers of the burgesses of parliament in Wales and Monmouth.

III. And be it further enacted by the authority aforesaid, forasmuch as the inhabitants of all cities and boroughs in every the said twelve shires within *Wales*, and in the said county of *Monmouth*, not finding burgesses for the parliament themselves, must bear and pay the burgesses wages within the shire-towns of and in every the said twelve shires in *Wales*, and in the said county of *Monmouth*, that from the beginning of the said parliament the burgesses of all and every of the said cities, boroughs and towns, which be and shall be contributory to the payment of the burgesses wages of the said shire-towns, shall be lawfully admonished, by proclamation or otherwise, by the mayors, bailiffs or other head officers of the said towns, or by one of them, to come and to give their elections for the electing of the said burgesses, at such time and place lawful and reasonable, as shall be assigned for the same intent by the said mayors, bailiffs and other head officers of the said shire-towns, or by one of them; in which elections the burgesses shall have like voice and authority to elect, name and choose the burgesses of every the said shire-towns, like and in such manner as the burgesses of the said shire-towns have or use.

Rating of boroughs and inhabitants for the burgesses wages.

IV. Provided always, That two justices of the peace in every of the shires in *Wales*, and in the said county of *Monmouth*, by force of this act, shall have full power and authority indifferently to lot and tax every city, borough and town within the shires in *Wales*, wherein they do inhabit, and in the said county of *Monmouth*, for the portions and rates that every the said cities and boroughs shall bear and pay towards the said burgesses, within the said shire-towns of every of the said shires in *Wales* and the county of *Monmouth*; (2) which rates so rated and taxed in gross by the said two justices of peace, as is aforesaid, shall

shall be again rated and taxed on the inhabitants of every the said cities and boroughs by four or six discreet and substantial burgessees of every the said cities and boroughs in *Wals*, thereunto named and assigned by the mayor, bailiffs or other head officers of the said cities, towns and boroughs for the time being, and thereupon the mayors, bailiffs or other head officers of every such city, borough and town, to collect and gather the same, and thereof to make payment, in manner and form as is aforesaid, to the burgessees of the parliament for the time being, within like time, and upon the like pains and forfeitures as is above mentioned.

## CAP. XII.

The lords and commons do remit unto the King all such sums of money as he hath borrowed of them or any other, by way of prest or loan, by his privy seal sithence the first day of *January*, anno 33 of his reign. And if the King have paid to any person any sum of money which he borrowed, by sale of land or otherwise, the same person, his heirs, executors or administrators, shall repay the same to the King. And if any person hath sold his privy seal to another, the seller shall repay the money to the buyer thereof.

## CAP. XIII.

The King's manors of *Granges*, *collinghams*, *bots*, *fens* and *marshes* in the county of *Norfolk*, which sometimes were parcels of the possessions of the late abbey or priory of *Walsingham*, shall and may be granted, by copy of court roll, in fee-simple, or for term of life or lives, by the stewards of the said manors, their under-stewards or deputies, for such rents, services, fines, heriots and customs, as in the said copies shall be specified; which copies shall be good against the King, his heirs, successors and assigns.

## CAP. XIV.

The bill for the reservation of rents and services of lands holden of the King under the yearly value of forty shillings. A rehearsal of the statute of 27 H. 8. c. 28. which gave to the King the lands of all abbeys not exceeding 200 l. a year. A tenure *in Capite*, and a yearly rent of the tenth part of the value, reserved to the King upon every alienation thereof. What tenures the King may reserve upon those abbey lands which exceed not the yearly value of xl. s. Of houses and gardens whereunto no land doth belong, no tenth shall be reserved. 37 H. 8. c. 20.  
12 Car. 2. c. 24.

## CAP. XV.

All persons which have any houses, lands, gardens or other grounds in the town of *Cambridge*, adjoining upon every high-way, street or lane, in his own right, or the right of his wife, or, &c. shall cause the same to be paved with paving stone unto the middle of the same ways, and in length as their  
their

their grounds do extend; and so shall from time to time maintain them, upon pain to forfeit six-pence for every yard square not sufficiently paved, to the King and the informer.

## CAP. XVI.

25 H. 8. c. 19. The King shall have authority during his life to name two and  
f. 7.  
27 H. 8. c. 15.  
3 Ed. 6. c. 11.  
Rep. 1 & 2  
Ph. & M. c. 8. thirty persons, viz. sixteen spiritual and sixteen temporal, to examine all canons, constitutions and ordinances, principal and synodal, and to establish all such laws ecclesiastical, as shall be thought by the King and them convenient to be used in all spiritual courts.

## CAP. XVII.

*The bill for the preservation of woods.*

**T**HE King our sovereign lord perceiving and right well knowing the great decay of timber and woods universally within this his realm of England to be such, that unless speedy remedy in that behalf be provided, there is great and manifest likelihood of scarcity and lack as well of timber for building, making, repairing and maintaining of houses and ships, and also for fuel and fire-wood, for the necessary relief of the whole commonalty of this his said realm: (2) wherefore be it ordained and enacted by his Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That in and upon all and singular several woods, commonly called coppice woods or under-woods, which from or after the feast of St. Michael the archangel, which shall be in the year of our Lord God 1544, shall be felled at twenty-four years growing or under, there shall be left standing and unfelled, for every acre of wood that shall be felled within the said coppice, twelve standils or storers of oak; (3) and if there be not so many standils or storers of oak there, that then there shall be left so many of other kind, that is to say, of elm, ash, asp or beech, as shall make up the said number of twelve standils or storers, likely to prove and to be timber-trees; (4) the same standils or storers to be of such standils or storers, as have been left there standing at any such felling of the same coppice woods or under-woods, in times past; and in case there be no such standils or storers there standing, which were there left at the last felling of the same coppice or under-woods, then the same standils or storers there to be left, shall be left at this now next felling of the said coppice woods or under-woods, of such most likeliest oaks, and if there be not sufficient of oaks, then of the most likeliest elms, ash, asp or beech, to prove and to be timber-trees, as shall grow within any such several woods, coppice or under-woods, (5) and that the same standils or storers so left, shall be preserved, and not felled or cut down, till they and every of them shall be of ten inches square within three foot of the ground, (6) upon pain that every owner of every such standils and storers having an estate of inheritance, or an estate for term of life of freehold, or by copy of court roll, or for years, in the ground or soil where

There shall be left twelve standils in an acre of wood under twenty-four years growth.

where the same standils or storers shall grow, causing or commanding any such coppice woods or under-woods to be felled or cut down, and not leaving the said standils or storers there standing in form aforesaid, to lose and forfeit for every standil and storer so not left standing in the said coppice woods or under-woods, iij. s. iv. d. (7) and upon pain that every owner, as is aforesaid, of any such coppice woods or under-woods, causing or commanding any of the said standils or storers, so left as is aforesaid, to be cut down, contrary to the form of this act, to forfeit and lose for every of the said standils or storers which shall be so cut down, iij. s. iv. d. (8) the one half of which said forfeitures to be to the King our sovereign lord, and the other half to be to the party that will sue for the same in any court of record by action of debt, bill, plaint or information, in the which action, bill, plaint and information, no protection, wager of law nor essoin shall be admitted or allowed.

II. And be it further enacted by the authority aforesaid, That all and singular coppice and under-woods, which after the said feast of Saint *Michael* the archangel shall happen to be felled or cut down at the age of fourteen years growth or under, and not being above the said age, from and after the twentieth day of *April* next after the felling thereof, during the term of four years then next ensuing, shall be sufficiently enclosed, or the springs thereof otherwise saved and preserved from destruction by any manner of cattle or beasts, by him or them which then shall have lawful interest and possession in the said woods, coppice or under-woods, as is aforesaid, (2) upon pain of every person or persons so bounden to enclose, fence, save or preserve the said coppice or under-woods, to forfeit and lose for every rood thereof so not enclosed, fenced, saved or preserved during the said four years, iij. s. iv. d. for every month that the same coppice or under-woods shall happen to lie or be unclosed, not fenced, saved or preserved, as is aforesaid: (3) and that all and singular coppice or under-woods, which after the said feast of Saint *Michael* the archangel shall happen to be felled or cut down, being above the age of fourteen years growth, and not above the age of four and twenty years growth, from the twentieth day of *April* next after the felling or cutting down thereof, during the term of six years then next ensuing the same twentieth day of *April*, shall be sufficiently enclosed, or the springs thereof otherwise saved and preserved from the destruction thereof by any manner of cattle or beasts, by and at the costs of such which then shall have lawful interest and possession in the said woods or coppice, as is before said, (4) upon pain of every person or persons so bounden to enclose, fence, save or preserve the said coppice or under-woods as is aforesaid, to forfeit and lose for every rood so not enclosed, fenced, saved or preserved during the said six years, iij. s. iv. d. for every month that the same coppice or under-woods shall happen to lie or be unclosed, and not fenced, saved or preserved as aforesaid.

Woods preserved of or under fourteen years growth.  
Co. pl. f. 366.

Woods above fourteen years growth.

Farther provisions relating hereto,  
13 El. c. 29.  
f. 18.

Cro. El. 117.

No woods shall  
be converted  
to tillage or  
pasture.

III. And be it further enacted by the authority aforesaid, That no person or persons, after the said feast of Saint *Michael* the archangel, shall convert or turn into pasture or tillage any such coppice or under-woods, containing in quantity two acres or above, which now be wood or under-wood, and put or reserved to the use or encrease of wood or under-wood, and being two furlong distant from the house of the owner thereof, or from the house whereunto the said wood doth lie, appertain or belong, (2) upon pain to forfeit and lose for every acre of wood so to be converted or turned from wood into pasture or tillage, xl. s.

IV. Provided alway, That this act shall not extend to any coppice woods or under-woods, destroyed or turned into tillage or pasture within twenty years last past, although the more part of any part thereof be now over-grown with bushes or under-wood.

Woods above  
twenty-four  
years growth,  
how to be  
felled.

V. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, which have or hereafter shall have any several woods or coppice growing and set with great trees being above the age of twenty-four years growth, shall, at the felling or weeding thereof, leave standing within the precinct of the said wood and coppice, for every acre so felled, twelve trees of oak of the same such great trees, if there be so many trees of oak there to be left, and for lack of oaks, then to leave for every acre so felled as many other trees of elm, ash, beech or asp, as shall make the full number of twelve of such as shall be then there growing; (2) the same trees there so left, to stand, continue and to be preserved by such owner or owners, as is above said, during the space of twenty years next after such felling of the same woods;

The trees left  
unfelled shall  
be preserved  
by enclosure  
for seven  
years.  
Godbolt. 167.  
pl. 235.

(3) and also shall from the twentieth day of *April* next after the felling thereof, during the term of seven years then next following, sufficiently enclose them, or the springs thereof otherwise save and preserve from the destruction thereof by any manner of cattle or beasts, (4) upon pain that every such person or persons, or bodies politick or corporate, being owners of the said great woods as is aforesaid, to forfeit and lose for every such great tree of the said number lacking, and not left so standing in the said wood, as is above said, vj. s. viij. d. (5) and upon pain that every owner of the ground or soil whereupon such great trees, as is aforesaid, shall be left standing or growing, causing or commanding any of the said great trees, there so left standing as is aforesaid, to be cut down contrary to the form of this act, to forfeit and lose for every of the same great trees so left, which shall be so cut down as is aforesaid, vj. s. viij. d. (6) and upon pain also to lose and forfeit, for every rood of such great wood so not enclosed, fenced, saved or preserved during the said space of seven years, for every month iij. s. iv. d.

In what cases  
the owners  
may fell their  
standils.

VI. Provided alway, that it shall be lawful to every owner or owners of any of the said coppice woods, under-woods, standils or storers, great woods and trees afore rehearsed, to fell, cut down and take any of the same for building, repairing, enclosing and maintaining of houses, orchards and gardens, and every  
of

of them, and for pailing, railing or enclosing of parks, forests, chafes or other grounds, and for making or repairing of water-works, dampnes, bridges, floodgates, making, repairing or amending of ships, and all other vessels, and for all other things concerning their own uses or affairs, in such like manner and form as he or they should or might lawfully have done before the making of this act; any thing in this present act before mentioned to the contrary thereof notwithstanding.

VII. And further be it enacted by the authority aforesaid, That it shall not be lawful to any person or persons, which after the said feast of St. *Michael* shall have any woods or under-woods, whertin any other person or persons justly hath or have used, time out of man's remembrance, to have common of pasture, to fell or cut down the said woods and under-woods there growing or being, or that shall grow or be in any such woods or under-woods (except it be to his own use and occupation) until such time as the fourth part of such woods, under-woods or grounds where the said woods now grow, or as much as the fourth part of the said ground or soil whereupon such wood is or shall be growing shall amount unto, shall be by the lord or owner for that time being, of the said ground or soil, divided, set out, meted, bounden, fenced and enclosed in manner and form as by this act hereafter shall be declared, ordained and provided; that is to say, that the said lord that then shall be owner of the said ground or soil, shall call together the tenants and inhabitants being commoners in the said ground or soil, or the more part of them, and upon the assembly and meeting of the said lord, tenants and inhabitants, or the more part of them, the said lord or owner, by the assent, consent and agreement of the said tenants and inhabitants, or of the more part of them, shall sever, divide, set out, mete and bound the fourth part of the said woods and under-woods, or so much thereof as shall amount to the full fourth part thereof. (2) And if the said lord, and the said tenants and inhabitants, or the more part of them, cannot, will not, or do not assent, consent and agree, for and upon the severing, dividing, setting out, meting and bounding of the said fourth part of the said woods and under-woods, or of as much thereof as shall amount to the full fourth part thereof, that then two justices of the peace, not being of the kin, alliance, counsel or fee of or to the said lord or owner, being thereunto appointed by the more number of the justices of the peace of the shire, where the said ground or soil lieth, in their open quarter-sessions, upon request and suit made unto them by the lord or owner, or by his or their lawful deputy or deputies, of the said woods, under-woods, grounds or soil, shall have full power and authority to call before them, upon such pains and penalties as the said justices shall limit and appoint, such twelve of the said commoners and inhabitants, nigh unto the same woods or under-woods, as by the discretion of the said two justices shall be thought meet and convenient: (3) and upon or after the appearance of the same lords, owners,

The felling of woods where- in others have common.

Where the wood shall be divided by two justices of peace.

commoners and inhabitants, or the more part of them, the same justices shall open and declare unto the same lord, owner, commoners and inhabitants, the cause of their assembly and appearance, and that done, shall by the advice and assent of the said lords, owners, commoners and inhabitants, or their lawful deputy or deputies, or of the more part of them, effectually proceed to the severing, dividing, meting and bounding of the said fourth part of the said woods and under-woods, or of so much thereof as shall amount to the fourth part thereof. (4) and if the same justices, owners, commoners and inhabitants, or the more part of them, cannot or will not agree upon the division, bounding or setting out of the said fourth part thereof, as is aforesaid; that then the said justices shall have full power and authority by this act, to sever, divide and set out by mete and bound, the fourth part of the said woods and under-woods, or so much thereof under the same fourth part of the said woods and under-woods, as shall, by the discretions and wisdoms of the said justices, be thought necessary and requisite to limit and set out: (5) and within three months next after such severance and setting forth thereof the owner or owners of the same woods or under-woods, in form afore declared, shall sufficiently enclose the same part of the said ground or soil so set forth as is aforesaid; (6) and after such enclosure made, the said owner of the said woods or under-woods may, at his liberty and pleasure, fell, cut down and take the said woods and under-woods, being or that shall be in or upon the said coppice woods, under-woods, ground or soil so set forth, or any part thereof.

Within what time the wood divided by the justices shall be inclosed.

Storers left standing in common woods inclosed and felled.

How long common woods inclosed shall be kept several. Altered by 13 El. c. 25. f. 18.

VIII. Provided alway, and be it enacted by the authority aforesaid, That there shall be left standing and unfelled in and upon the said part of every the same woods or under-woods, ground or soil so severed, bounden and set out distinctly in manner and form as is aforesaid, at every felling thereof, such and like number of standils or storers of young oaks, or other young trees of elm, ash, asp, or beech, if it be coppice or under-woods, which shall be so felled or cut down; and if the woods that shall be felled shall be great trees or great woods, then such number shall be left standing of great trees in or upon the said part to all intents, constructions and purposes, and upon like and the same penalties as is before limited and appointed for not leaving, reserving and preserving of standils and storers above appointed to be left standing in several woods and grounds: (2) and that the said part or parcel so severed, bounden and set out in manner and form aforesaid, after every felling or cutting down of the coppice woods or under-woods, for the time being, in or upon the same, by the authority of this act shall be sufficiently enclosed and fenced, and the enclosure thereof sufficiently and continually kept, made, repaired, preserved and maintained by the space of seven years next after every felling thereof, in like manner and form to all intents and purposes, and upon the same and like pains and penalties, as is before limited, rehearsed and appointed for the not closing or fencing,

fencing, and for the not keeping, maintaining, repairing and preserving of the said several coppice, under-woods and woods.

(3) And also that the standils, storers and great trees, limited and appointed to be left standing in or upon the said part, shall be there left standing, preserved and not cut down, in such like manner and form, and by all such time, and upon such like penalties, to all intents and purposes, as is afore limited, appointed and declared for the preservation and not felling of the said standils, storers and great trees, limited and appointed to be left in and upon the said several coppice, under-woods and woods.

Preserving of standils from cutting down.

(4) And that after the said felling of the said coppice, under-woods and woods, standing, growing or being, or that shall stand, grow or be in any such part of any the said woods, grounds or places, as is before declared, no beasts or cattle, during the space of seven years next after the felling of the same woods, shall willingly by any person or persons be put in, or shall be suffered to feed, or to continue in any parcel of any such part so set forth as is aforesaid, during the said term of seven years next after the felling thereof, (5) upon pain of forfeiture and penalty of iv. d. for the putting in of every beast, or wilful suffering of every beast or cattle to be put into any of the said several coppice, under-woods or woods.

How long woods inclosed from the common shall be preserved from cattle.

IX. And if it shall happen any person or persons, being owner or owners of any such woods, under-woods or coppice, set, lying and being in any waste ground, as is aforesaid, to cut down any trees or under-woods, contrary to the form aforesaid; that then every person or persons, owner or owners, so offending contrary to this act, shall lose and forfeit for every tree so cut down, vi. s. viij. d. (2) the one half of all the said forfeitures to be to our sovereign lord the King, and the other moiety to such person that will sue for the same by bill, plaint, action of debt or information in any of the King's courts of record; in which suit no protection, wager of law or essoin shall be allowed nor admitted.

The forfeiture for cutting of wood in waste ground.

X. Provided alway, and be it enacted by the authority aforesaid, That forasmuch as the said tenants, commoners and inhabitants shall be by authority of this act excluded of their common in the said part so to be severed and set forth, as is aforesaid, by all the said space and term of seven years next after the felling or cutting down of the said coppice woods and under-woods that shall grow in or upon the same part from time to time, that in recompence thereof the same commoners, tenants and inhabitants shall and may use, take and have their common for their cattle within the residue of the said woods, under-woods, ground and soil not being enclosed, in manner and form as if this act had never been had ne made. (2) And that the lord being owner of the said ground or soil shall be by the authority of this act excluded and foreclosed to put or have any cattle or beasts in or upon the same residue, or to take any profit of the pasture in or upon the said residue, during and by all the said term and time of seven years next after the felling or

The lord of the wood excluded of his common and pasture in the residue.

cutting down of the said coppice woods or under-woods, being or growing or that shall be or grow in or upon the said part, which shall be so severed, divided, set out, bounded, and enclosed as is aforesaid: (3) and that from and after the said seven years expired and ended, until the next felling or cutting down of the said coppice woods or under-woods being upon the said part, being so severed and divided as is aforesaid, as well the same part as the said residue of the said ground and soil shall lie and be used in common, and the pasture and other profits thereof shall and may be used and taken as well by the lord, being owner of the said ground or soil, as by the said tenants, commoners and inhabitants, in like manner, form and condition, as it should or ought to have been before the making of this act, and as if this act had never been had or made; any thing in this act contained to the contrary thereof notwithstanding.

Woods used to be enclosed.

XI. Provided also, That it shall be lawful to every person and persons to fell and to enclose all their coppice woods and under-woods in any waste ground, which before the making of this act have been used to be enclosed, preserved and kept for the maintenance of wood and under-wood; any thing in this act to the contrary notwithstanding.

XII. *And whereas peradventure the lords or owners of the foresaid woods and under-woods, after that they have enclosed and fenced the fourth part thereof, or as much of the same as shall be to them limited and assigned by the said justices of peace or commoners, will not or do not sell the same woods and under-woods so enclosed or to be enclosed, but suffer the same to stand and grow, whereby the commoners, who ought to have their common or pasture within the same part so enclosed, shall lose and be put from their said commons therein:* (2) be it therefore enacted by the authority aforesaid, That if the same part of wood and under-wood so enclosed be not felled within four months next after the enclosing thereof; that then and so long as the same woods shall not be felled, it shall be lawful to the said commoners to put their cattle unto the same woods and ground so enclosed, and that the owner thereof shall leave open convenient places within the same enclosure, whereby the commoners beasts may have access and come into the same wood so enclosed, and there to pasture and feed as long as the same wood shall stand and be unfelled; any thing contained in this act to the contrary notwithstanding.

The commoners shall enjoy their common so long as the wood is unfelled.

Woods growing in the wilds of Kent, Surrey and Suffex.

XIII. Provided always, and be it enacted by authority aforesaid, That this act, ne any thing therein contained or expressed, extend or be prejudicial to any of the lords or owners of the woods, under-woods, or wood-lands, growing or being within any of the towns, parishes or places, commonly called or known to be within the wilds of the counties of *Kent, Surrey and Suffex*, or of any of them, other than only to the common woods growing and being within any of the said wilds of the said counties of *Kent, Surrey and Suffex*; any thing in this present act to the contrary notwithstanding.

Bargains for

XIV. Provided always, That this present act, or any thing therein

therein contained, shall not extend, or be prejudicial or hurtful, <sup>wood made</sup> or extend to charge any person or persons, which before the <sup>before the sta-</sup> feast of Saint *Michael* the archangel in the four and thirtieth year of the reign of our sovereign lord King *Henry* the Eighth, hath bargained and bought woods or great trees growing in any the same woods, for or concerning the felling and cutting down of the same woods or trees, or not leaving of any standils or storers of and in the same, according to the tenor of this present act; any thing, penalty, or forfeiture in this present act contained to the contrary thereof notwithstanding.

XV. Provided always, and be it further enacted by the au- <sup>To what tim-</sup> thority aforesaid, That this act, or any thing therein contained, <sup>ber-trees this</sup> shall not extend to charge any person or persons with any pe- <sup>statute ex-</sup> nalty or penalties contained in this present act, for or concern- <sup>tendeth not.</sup> ing any timber-trees growing within two miles of the sea, in the county of *Cornwall*, or any other timber-trees within the realm, being fear and dead in the tops, or any timber-trees to be taken by virtue of the King's highness commission within the realm, or for or concerning any offence done contrary to the tenor of this act; unless the same person or persons offending <sup>Within what</sup> this act be sued for the same within one year next after the same <sup>time the offen-</sup> offence committed or done; any thing in this act contained to <sup>der must be</sup> the contrary in any wise notwithstanding. <sup>sued.</sup>

XVI. Provided always, and be it further enacted by the said <sup>The penalty</sup> authority, That if any person or persons do break or destroy any <sup>for breaking</sup> several fences or hedges, made or to be made for the faying of <sup>of wood</sup> the same woods, under-woods, grounds or soils, that every per- <sup>hedges.</sup> son so offending shall forfeit and lose, for every such offence, ten shillings.

XVII. And be it further enacted by the authority aforesaid, <sup>Swine shall</sup> That if any person or persons suffer his swine, being of the <sup>not go in a</sup> age of ten weeks or above, during such years as the said woods <sup>wood unring-</sup> be appointed and ordained by this act to be enclosed, at any time <sup>ed.</sup> after the first day of *August* next coming, to go or run in any common or several ground or woods, unless the same swine be sufficiently ringed or pegged, that then the owner or owners of every such swine shall forfeit and lose, for every such his swine that shall so go or run in any the said grounds, woods or under-woods, and not being sufficiently ringed or pegged as is aforesaid, from and after the said first day of *August* next coming, four pence; (2) the one half of all and every the said forfeitures, if it be in any of the King's woods or grounds, to be to his Highness, and the other to be to the finder thereof: and if it be within any other person or persons said grounds, woods or under-woods, then the one half of all and every the same forfeitures to be to the owners of the soil, and the other part thereof to be to him that will sue for the same by bill, plaint, action, information, or otherwise, in any court of record, wherein no wager of law, essoin, or protection shall be allowed nor admitted.

XVIII. Provided always, That where any woods or under- <sup>The fencing</sup> woods shall, after the said feast of Saint *Michael* the archangel, <sup>of a wood in a</sup> <sup>park where</sup> <sup>be</sup> <sup>deer be,</sup>

be felled or cut down in any park or ground enclosed, wherein any deer shall be then kept, that the owner or owners, possessor or possessors of such park and parks, or grounds enclosed for deer, to be chargeable for the enclosure and preservation of the same, as is aforesaid; but only for the space of four years after any such time of felling or cutting down of the same coppice woods or under-woods, and not above; any thing contained in this act to the contrary thereof in any wise notwithstanding.

Where a stranger is cause of an offence, he only shall be punished.

XIX. Provided also, and be it enacted by the authority aforesaid, That if the enclosure or enclosures of any of the said coppice woods, under-woods or grounds, happen to be broken or pulled down by any person or persons against the wills and minds of the owner or owners, possessor or possessors of the same woods or under-woods, whereby cattle or beasts escape into the same woods, grounds or under-woods, and destroy and hurt the springs thereof, or if the same woods, grounds or under-woods be by any means destroyed, hurted or hindered by any manner of person or persons, or by the cattle or beasts of any person or persons, without the assents, minds and wills of such owner or owners, possessor or possessors; that then and in every such case the said penalties contained in this act, to be extended upon the same person or persons in or by whose default the same spring, wood or under-wood shall be so destroyed, hurted or hindered, and not upon the owner or owners, possessor or possessors of the said woods, grounds or under-woods; any thing contained in this act to the contrary thereof in any wise notwithstanding.

Within two years, colts and calves may be put into fenced woods.

Altered by 13 El. c. 25. s. 18.

XX. Provided also, and be it furthermore enacted by the authority aforesaid, That it shall and may be lawful to every owner and owners, possessor and possessors, their farmors and assignes, of all and singular the said woods, under-woods, grounds and coppice, after such time as the same woods, under-woods, grounds and coppice have been fenced and enclosed, or the spring thereof otherwise preserved by the space of two years next after the felling thereof, to put colts and calves, being under the age of one year, into the said woods, under-woods, grounds and coppice; any thing contained in this act to the contrary thereof in any wise notwithstanding.

8 Co. 138.  
Made perpetual by 13 El. c. 25.

XXI. And this present act and acts to endure only by the space of seven years next after the said feast of Saint *Michael* the archangel, and from thence until the end of the next parliament.

#### CAP. XVIII,

The King's general pardon of all treasons, felonies, robberies, offences, contempts, trespasses, wrongs, &c. Saving such which be excepted, &c. confirmed by parliament.

Statutes made at *Westminster*, Anno 37 HEN. VIII.  
and Anno Dom. 1545.

**ST**ATUTES made in the parliament holden at Westminster the twenty-third day of November in the seven and thirtieth year of the most renowned Henry the Eighth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth supreme head.

## CAP. I.

*A bill for custos rotulorum and the clerkship of the peace.*

**W**HERE before this time the lord chancellor of England for the time being hath, by reason of his office of the chancellorship, the nomination and appointment of the custos rotulorum within all and every shire of this realm of England and Wales, and other the King's dominions, marches and territories of the same, (2) and that in like manner all and every person which hath had and enjoyed the said office of the custos rotulorum, hath had, until now of late, the nomination and appointment of the clerk of the peace within such shires where he or they had and enjoyed the said office of the custos rotulorum: (3) and where now of late divers and sundry persons within this realm, being not learned, nor yet meet ne able for lack of knowledge and learning to occupy and exercise the said offices of the custos rotulorum, and of the clerkship of the peace, have of late years by labour, friendship and means, attained and gotten for term of their lives, of the King's majesty, several grants by his Highness's letters patents to them made of the said clerkships of the peace; by reason whereof, and for that the parties to whom the said several grants have been so made and granted, have not been sufficiently learned to exercise and occupy the same office and offices, many and sundry indictments, as well of felony, murder and other offences and misdemeanors, and the process awarded upon the same indictments, have not only been by reason thereof made clearly frustrate and void, sometime by reason of the negligent ingrossing and keeping of the said indictments, and sometime by reason of the imbeskilling or rasure of the same indictments, (4) but also divers and sundry bargains and sales of divers and sundry manors, lands and tenements had and made between party and party, have been made frustrate and void for lack of sufficient inrollment of the same bargains and sales, to be had and made by the clerks of the peace, to the great hindrance of justice, and to the disinherittance of divers of the King's most loving subjects:

II. For reformation whereof, and to the intent that justice may be the better hereafter preferred, and that the same offices may hereafter be occupied and exercised by such persons learned in the laws of this realm, as shall be able to exercise and supply the same: (2) be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and of the commons,

3 & 4 E. 6. c. 1.  
1 W. & M. stat.  
1. c. 21.

Who shall appoint the custos rotulorum and clerk of the peace in every county.

Inconveniences ensuing by the ignorance of the clerk of the peace.

*Cus. rot. cat.  
to appoint previous  
to the stat.  
6 Bing: 2:*

hand.  
 Altered by 3  
 & 4 Ed. 6. c. 1.  
 f. 3.  
 4 Mod. 167.  
 1 Show. 430,  
 431.

commons, in this present parliament assembled, and by authority of the same, That no person or persons shall from henceforth be nominated and appointed to the said office and offices of the *custos rotulorum* within any shire of this realm of *England, Wales*, and other the King's dominions, marches or territories of the same, but such as shall have a bill signed with the King's hand for the same; (3) which bill signed shall be a sufficient warrant by the authority aforesaid, to the said lord chancellor of *England*, and the lord keeper of the great seal for the time being, to make from time to time commission or commissions, assigning and authorizing thereby the same person to be *custos rotulorum*, until the King hath, by another bill assigned with his own hand, appointed and ordained one other person to have, occupy and exercise the same office of the *custos rotulorum*, (4) and that the said person appointed and assigned to be *custos rotulorum* as is aforesaid, shall and may occupy, exercise and enjoy the same office of the *custos rotulorum*, by himself, or by his sufficient deputy, learned in the laws of this realm, and meet and able to supply the said office according to the tenor of the said grant or commission.

The *custos rotulorum* shall appoint the clerk of the peace.  
 Carth. 426.

III. And be it further enacted by the authority of this present parliament, That every *custos rotulorum* for the time being shall, at all times hereafter in every shire of this realm, *Wales*, and other the King's dominions, marches and territories of the same, nominate, elect, appoint and assign all and every person and persons which hereafter shall be clerks of the peace within any of the said shires of this realm of *England, Wales*, and other the King's dominions, marches and territories of the same, (2) and to give and grant the said office and offices of the clerkship of the peace to such able person instructed in the laws of this realm, as shall be able to exercise and occupy the same, to hold and enjoy the same during the time that the said *custos rotulorum* shall occupy and exercise the foresaid office of *custos rotulorum*, so that the said clerk demean him in the said office justly and honestly: (3) and that it shall be lawful to every such grantees of the said clerkship, to occupy and enjoy the same office of the clerkship of the peace, by himself, or by his sufficient deputy instructed in the laws of this realm, so that the same deputy be admitted, taken and reputed by the said *custos rotulorum*, to be sufficient and able to exercise, occupy, keep and enjoy the same office of the clerkship of the peace.

The clerk of the peace may make a deputy by the assent of the *custos rotulorum*.

IV. Provided alway, and be it enacted by the authority aforesaid, That all such as now have any of the said offices of *custos rotulorum*, or clerkship of the peace, by the King's letters patents or commission to them made, shall and may enjoy, have and exercise their said offices by virtue of the same letters patents or commission, by themselves, or by their sufficient and able deputy instructed in the laws of this realm; any thing in this present act had or made to the contrary notwithstanding.

Persons having authority to assign *custos rotulorum* or

V. Provided also, and be it enacted by authority aforesaid, That the archbishop of *York*, the bishop of *Durham*, the bishop of *Ely*, and every of their successors, and all and every such person and persons, corporations and bodies incorporated, to whom the

the King's majesty, or any of his noble progenitors by his or clerk of the their letters patents have given and granted any liberty and au-<sup>peace.</sup> thority, or otherwise have authority by other lawful means or ways, to ordain, make and constitute any of the said offices of *custos rotulorum*, or clerk of the peace, within any county palatine, or other place, shall and may have and enjoy the same liberty and authority, according as they have had and enjoyed the same; any thing in this present act had or made to the contrary notwithstanding.

## CAP. II.

*Hounslow-beach* in the county of *Middlesex*, which doth contain four thousand two hundred fourscore and thirteen acres and one rood of ground, extendeth into several parishes: so much thereof as is the King's inheritance, and is meet for tillage, pasture, meadow or other several ground, shall be of the nature and condition of copyhold land: or the same may be letten by the steward of the manor at will, or for twenty-one years, which lessee shall or may improve it.

## CAP. III.

*Huntingdon-lane* near the city of *Chester*, being in length two miles and half, shall be from time to time repaired by one that shall dwell in the said lane, and shall have pasture for five kine or beasts in the highway from *Bothill* to *Butterbach-bridge*, Sir *William Stanley* and Sir *Hugh Calverley*, and their heirs male, being of full age, and in default of them, the mayor and aldermen of *Chester*, shall appoint the same party, and remove him if he be negligent in repairing any part of the said way.

## CAP. IV.

*A bill for colleges, chantries, &c.*

IN their most humble wise shewn unto your royal Majesty your loving subjects, the lords spiritual and temporal, and the commons, of this present parliament assembled, That where there have been divers colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, That all cha-  
pels, &c. shall  
be in the  
King's dispo-  
sition.  
3 Bulstr. 152.  
Hob. 123.  
gilds and stipendary priests, having perpetuity for ever within this  
your realm of England, Wales, and the marches of the same, of  
which, some of them by the licence of your gracious Highness, or of  
your noble progenitors, and some of them by feoffments and wills there-  
upon declared, and some of them by other devises, conveyance and assu-  
rance, have been incorporated, established, founded, erected, had or  
made by divers names, surnames, degrees and corporations, to have had  
a perpetual continuance for ever; (2) sithence which time divers and  
many of the donors, founders or patrons, or such as pretend to be do-  
nors, founders or patrons of the same colleges, free chapels, chantries,  
hospitals, fraternities, brotherhoods, gilds, and stipendary priests,  
and divers other, of their avaricious and covetous minds, and of their  
own authority, without your gracious licence, have of late entered in-  
to the mansion houses, manors, lands, tenements and other heredita-  
ments, to the same colleges, free chapels, chantries, hospitals, frater-  
nities, brotherhoods, gilds and stipendary priests belonging and apper-  
taining,

The several means whereby the lands of colleges, chantries, &c. have been abused by the governors thereof, and others.

Several causes of the King's great expences and charges.

All colleges, chantries, hospitals, &c. made to have continuance for ever, and all their manors, lands, and hereditaments given to the King. Plowd. 177. Rents or annuities granted by other in consideration

of any bargain of the said lands. He that hath sold and taken money for any chantry, college, &c. Lands, shall repay the same money again. Assurances of college lands, &c. to the King shall be good, All letters patents granted by the King,

taining, and have expelled the priests, wardens, masters, ministers, rulers, governors and incumbents of the same, out and from the possession thereof, and they, their heirs and assigns, do occupy and enjoy the said mansion houses, manors, lands, tenements and other hereditaments, and do receive, take and imploy, and convert the rents, issues, revenues and profits of the same to their own proper uses: (3) and some of the said priests, wardens, masters, ministers, rulers, governors and incumbents of the premisses, by covin between them and the patrons, donors or founders of the same, or of such as pretend to be patrons, donors or founders of the same, or other, have also of their own authority without your Grace's licence, bargained and sold all or part of their manors, lands and tenements annexed, united, pertaining or belonging to their said colleges, free chapels, chantries, hospitals, and other the said promotions; (4) and some of the said priests, wardens, masters, ministers, rulers, governors and incumbents, by the assent and consent of their patrons, donors, founders, or such other as have had interest in the same: and some of the said priests, rulers, governors and incumbents: of their own authority, without the assent of their patrons, donors or founders, or of such other as other have had interest in the same, have now of late made leases for term of life or lives, or for term of years, of their said free chapels, chantries, hospitals, fraternities, brotherhoods, guilds, or other the said promotions, or of the manors, lands, tenements and other the premisses, or of part thereof, and have not reserved the customable rent and farm that the same hath been used to be letten for; (5) and some of them by covin have suffered recoveries, levied fines, and made feoffments and other conveyances of all or part of their said possessions, by reason whereof divers of the said free chapels, chantries, hospitals and other promotions abovesaid, been clearly dissolved, extinct or determined, contrary to the wills, minds, intents and purposes of the founders, donors or patrons of the same, and to the great contempt of your Majesty, and of your authority royal. (6) And we your Grace's most loving humble and obedient subjects right well knowing and perceiving the exceeding great and inestimable charges, costs and expences which your Majesty hath had and sustained, and daily doth sustain, as well for the maintenance of these present wars against the realms of France and Scotland, and for the preservation and defence of us your said subjects, against the invasions and malice of your enemies the Frenchmen and Scots, (who daily do study, devise and attempt to grieve, annoy, and hurt your said loving subjects) as also for the maintenance of your most royal estate, honour, dignity and estimation, which all your said loving subjects of natural duty been bound to conserve and increase by all such ways and means as they can devise, do therefore with our whole voice, petition and intercession most humbly beseech your Majesty, that it may be enacted, ordained and established by your Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, in manner and form following, that is to say: &c. Vide, 1 Ed. 6. c. 14.

King, and all assurances made by his consent of any colleges and chantries, &c. shall be good. The rents and lands of hospitals, chantries, &c. not being employed to so good uses as they were given for; the King may grant a commission to certain persons to enter into any hospitals, chantries, &c. and their lands, &c. and to seise them to his use. The commissioners may seise to the King's use any hospitals, chantries, &c. and the lands named in their commissions. After the commissioners entry into any lands (specified in their commission, the same shall be vested in actual possession of the King. The commissioners shall return their commission into the chancery. All chantries, colleges, fraternities, &c. and their lands, shall be in the order and survey of the court of augmentations. All suits for the lands of chantries, &c. shall be heard and determined in the court of augmentations. Suits between one of the King's subjects and another, touching the said lands, shall be determined by the common law. All assurances made by the governors of the said chantries, &c. any of their lands without the King's assent, shall be void. The right of others saved, except, &c. Leases of lands reserved for the maintenance of hospitality made within one year before, &c. Leases of land in lease for life or years made within one year. Leases whereupon the old rent is not reserved, made within one year before, &c. Wood-sales of woods yet growing. Lands or leases whereof the governors were seised or possessed to their own private uses. Pensions given by the King for term of life. They from whom the King shall take any lands, shall be abated of their tenths and first-fruits. A provision for such as had annuities or rents out of the lands of the chantries, &c. He that hath paid for any wood shall have his money again or the same wood. A remedy for any governor that hath compounded for his first-fruits. Money due out of the premises in the exchequer shall be payable as before.

## CAP. V.

*The bill for them that be in value in goods of four hundred marks in London, to pass upon attaints.*

**H**UMBLY beseeching your most excellent Majesty your obedient subjects, the mayor and commonalty of your city of London, That whereas amongst divers and sundry liberties and franchises, granted by your most noble progenitors to the city of London, for divers reasonable respects and considerations in their charters expressed and mentioned, one liberty is, That all inquisitions to be taken by the justices and ministers of your Highness, of the citizens of London, shall be taken at Saint Martin's the grand, or at the Guildhall of the said city of London, and not elsewhere, except inquisitions before the justices in Eyre at the tower of London, and for the delivery of the gaol of Newgate, as in the charters of your said noble progenitors, to the said citizens of London granted, and by your Majesty confirmed, plainly appeareth; (2) which liberties the same citizens have continually since the said grants thereof to them made, exercised, used and enjoyed accordingly, as by divers matters of record in your high courts at Westminster evidently appeareth:

II. And where also an act of parliament concerning perjury and punishment of untrue verdicts was made and established in the twenty-third year of your most gracious reign, amongst other then and there made and ordained, that upon every untrue verdict made after the said act, between party and party, in any suit, plaint or demand made, and verdict thereupon given, extending to the value of xl. l. and not concerning the jeopardy of man's life, the party grieved by the same verdict shall have a writ of attaint against every person which after the said act would give an untrue verdict; (2) and that in the said attaint there should be awarded against the petit jury, the party, and the grand jury, process of Sum. Return. and distress infinite; (3) which grand jury should be in like number as the grand jury is

What persons shall pass upon trial of an attaint in London, and where the same shall be tried.

Where the King's justices shall take inquisitions in London.

23 H. 8. c. 3.

now

now in attaint, and that every of them that shall pass in the same, shall have lands and tenements of the value of xx. marks by the year of freehold out of ancient demean. (4) And also it was then further enacted and established, That all attaints afterwards to be taken, should be taken before your Majesty in your bench, or afore your justices of your common place, and in none other court; (5) and that the Nisi prius shall be granted by the discretion of the justices upon the distress.

III. And forasmuch as the said act cannot be duly put in execution by the citizens of the said city for lack of sufficient persons having lands and tenements to the clear yearly value of xx. marks, out of ancient demean, according to the tenor of the same act, and also that the appearance of the said citizens, to be had out of the said city, is against the liberties and franchises of the same city, and no proviso made within the said act for the same citizens to enjoy their ancient liberties and privileges before rehearsed: (2) It may therefore please your Majesty, of your most abundant grace, to condescend, that it may be enacted by your Highness, and by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all and every manner person and persons, being citizens of your said city, and being in value of goods and chattels to the sum of CCCC. marks, may be impanelled and returned by the sheriffs of your said city in every attaint hereafter to be brought by virtue of the said estatute, upon verdicts hereafter to be given by your said citizens, without any challenge for the insufficiency of freehold of any of them, to be made by any of the said parties, in any such attaint, upon such verdicts hereafter to be given: (3) And that the justices for the time being shall sit only at the Guildhall of the same city, or at some other convenient place within the same city, and there to swear the grand jury, and to take the verdicts in such attaints hereafter to be taken. (4) And that the said citizens hereafter be not compelled nor distrained to appear in any such attaint hereafter to be taken upon any untrue verdict given, or hereafter to be given in London, but only within the limits of the said city, of and for the trial of the same; the said former act, or any thing therein contained to the contrary in any wise notwithstanding.

Of what estate those persons must be which shall pass upon an attaint in London.

21 H. 7. c. 21.

Trials of attaint in London shall be in London notwithstanding the statute of 23 H. 3. c. 3.

## CAP. VI.

*The bill for burning of frames.*

**W**HERE divers and sundry malicious and envious persons, being men of evil and perverse dispositions, and seduced by the instigation of the devil, and minding the hurt, undoing and impoverishment of divers of the King's true and faithful subjects, as enemies to the common wealth of this realm, and as no true or obedient subjects unto the King's majesty, of their malicious and wicked minds, have of late invented and practised a new damnable kind of vice, displeasure, and damnyfying of the King's true subjects, and the common wealth of this realm, as in secret burning of frames of timber prepared

Several new and wicked devices tending to the

pared and made by the owners thereof, ready to be set up and edified <sup>damning of</sup> for houses, cutting out of heads and dams of pools, motes, stews, and <sup>others.</sup> several waters; cutting off conduit-heads, or conduit-pipes; burning of wains and carts laden with coals or other goods; burning of heaps of wood, cut, felled, and prepared for making of coals; cutting out of beasts tongues; cutting off the ears of the King's subjects; bark- ing of apple-trees, pear-trees, and other fruit-trees; and divers other like kinds of miserable offences; to the great displeasure of Al- mighty God, and of the King's majesty, and to the most evil and per- micious example that hath been seen in this realm:

II. For remedy whereof, be it enacted by authority of this present parliament, That if any person or persons, at any time after the first day of *May* next ensuing, maliciously, unlawfully, willingly and secretly burn, or cause to be burned, cut, or cause to be cut or destroyed, any frame or frames of timber of any other person or persons, made and prepared, or hereafter to be made or prepared, for or towards the making of any house or houses, so that the same shall not be able for the purpose for the which it was prepared; that then every such act and acts so to be committed, perpetrated, and done by any person or persons, shall be deemed and adjudged felony, and the offender or offend- ers therein, being lawfully convicted or attainted, shall have and suffer pains of death, (2) and shall lose and forfeit goods and chattels for ever, and the profits of their lands, tenements and hereditaments, for term of his or their lives.

III. Provided always, That such attainder shall be no avoid- ing of any woman's dower, ne corruption of blood against the heir or heirs of such offender or offenders, (2) but be it enacted, That the wife and wives of such offender or offenders shall have their dowers; and that such heir or heirs shall, after the decease of the said offender, have and enjoy the said lands, tenements, and hereditaments of such offender and offenders, in like man- ner and form as they should have had, if this act, or any such attainder had never been had ne made. (3) And that the heir or heirs having the said lands, tenements, or hereditaments of any estate of inheritance, shall yield unto the party grieved for such offence or offences, his damages of the profits of the said lands, tenements, or hereditaments of such offender or offenders, whereunto he shall be inheritable, by action of debt to be taken in the common bench at *Westminster*; in which action no wager of law, essoin, ne protection shall be allowed.

IV. And be it further enacted by the authority aforesaid, That if any person or persons, after the said first day of *May*, maliciously, wilfully, and unlawfully cut or cause to be cut out the head or heads, dam or dams of any ponds, pools, motes, stews, or other several waters, or the head or heads, pipe or pipes of any conduit or conduits of any other person or persons, (2) or maliciously, willingly and unlawfully, after the said first day of *May*, burn or cause to be burned any wain or wains, cart or carts, laden or to be laden with coals or any other goods or merchandizes of any other person or persons, (3) or malici- ously,

It shall be fe-  
lony, unlaw-  
fully and se-  
cretly to burn  
or cut a frame  
of timber pre-  
pared for ma-  
king a house,  
repealed by  
1 Ed. 6. c. 12.  
1 M. sess. 1. c. 1.

This felony  
doth not make  
the wife lose  
her dower, nor  
work corrup-  
tion of blood  
in the heir.

The offender's  
heir shall satis-  
fy the party  
grieved.

The penalty  
for cutting the  
head of any  
several waters.  
Altered by  
5 El. c. 21.

Burning a cart  
laden.

Burning a  
heap of wood

prepared for  
coals.

Cutting out  
the tongue of  
a beast.

Cutting off  
the ears of  
another.

Barking of  
fruit-trees.

ously, willingly and unlawfully, after the said first day of *May*, do burn or cause to be burned any heap or heaps of wood of any other person or persons, prepared, cut and felled, or to be prepared, cut and felled, for making of coals, billets or talwood; (4) or maliciously, unlawfully and willingly, after the said first day of *May*, cut out or cause to be cut out the tongue or tongues of any tame beast or beasts of any other person or persons, the said beast then being in life; (5) or maliciously, willingly, or unlawfully, after the said first day of *May*, cut or cause to be cut off the ear or ears of any of the King's subjects, otherwise than by authority of the law, chance-medly, sudden affray or adventure; (6) or after the said day, maliciously, willingly, or unlawfully bark any apple-trees, pear-trees, or other fruit-trees of any other person or persons; (7) that then every such offender and offenders shall not only lose and forfeit unto the party grieved treble damages for such offence or offences, the same to be recovered by action of trespass to be taken at the common law, but also shall lose and forfeit to the King's majesty, and his heirs, for every such offence, x. l. sterling in name of a fine.

### CAP. VII.

*An act for abrogation of six weeks session.*

A rehearsal of the statute of 33 H. 8. c. 10. concerning the establishment of the six weeks sessions, and a repeal of the same; and all the offences in the same statute mentioned shall be enquired of, punished, and reformed at a quarter-sessions.

### CAP. VIII.

*The act that any indictment lacking these words, Vi & armis, shall be good.*

**W**HERE before this time it was and yet is commonly used in all indictments and inquisitions of treason, murder, felony, trespass and divers other, to have comprised and put in every the same indictments and inquisitions these words, Vi & armis, and in divers of the same indictments to declare the manner of the force and arms; that is to say, Vi & armis, videlicet, baculis, cultellis, arcubus & sagittis, or such other like words in effect, where of truth the parties so indicted had no manner of such weapons at the time of the said offence committed and done; (2) yet in default and lack of the same words, the said indictments were and yet be taken as void in the law, for to put any person to answer thereunto: (3) And the party or parties so indicted, for lack of the same words not being comprized and put in the said indictments, have taken advantage thereof, and have avoided the said indictments by writ or writs of error, or by plea upon his or their appearance, as the same case did require: (4) For reformation whereof, be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That from the feast of the nativity of our

Rex. v.  
Wynde Pasch.  
2 G. 2. in B. R.  
Indictments

Lord God next coming, these words, *Vi & armis*, viz. *cum baculis, cultellis, arcubus & sagittis*, or such other like, shall not of necessity be put or comprized in any inquisition or indictment; (5) nor that the party or parties being hereafter indicted of any offence, shall have or take any advantage by writ or writs of error, plea or otherwise, to adnul or avoid any such inquisition or indictment, for that, that the said words, *Vi & armis*, viz. *baculis, cultellis, arcubus & sagittis*, or any of the same or like words, shall not be put or comprized in the said inquisitions or indictments: (6) But that the same inquisitions or indictments, and every of them, lacking the said words, *Vi & armis*, viz. *baculis, cultellis, arcubus & sagittis*, or any of them, shall from thenceforth, by the authority aforesaid, be taken, deemed and adjudged, to all intents, constructions and purposes, as good and effectual in the law, as the same inquisitions and indictments, having the said words, *Vi & armis*, viz. *baculis, cultellis, arcubus & sagittis*, comprized and put in every of the same inquisitions and indictments were or heretofore have been taken, deemed or adjudged; any law, usage or custom heretofore had and used to the contrary notwithstanding.

The words *cum baculis, cultellis, arcubus & sagittis* shall not of necessity be put in an indictment.

II. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said feast of the nativity of our Lord God next coming, do steal any horse, gelding, mare, foal or filly, and thereof be found guilty by the verdict of twelve men, or by his own confession be attainted, (2) or otherwise be indicted for the stealing of any horse, gelding, mare, foal or filly, and thereupon arraigned, and do stand mute of malice or froward mind, (3) or challenge peremptory above the number of twenty, (4) or else will not answer directly to the same indictment and felony whereupon he is so arraigned; (5) that then every such person and persons shall not from henceforth be admitted to have the benefit of his or their clergy, but utterly be excluded thereof, and shall suffer death in such manner and form as they should have, if they were no clerks.

He that is attainted for the stealing of a horse shall not have the benefit of clergy. 1 Ed. 6. c. 12. f. 10. Dyer 99.

## CAP. IX.

### *A bill against usury.*

**W**HERE before this time divers and sundry acts, statutes and laws have been ordained, had and made within this realm, for the avoiding and punishment of usury, being a thing unlawful, and of other corrupt bargains, shifts and chevifances, (2) which acts, statutes and laws been so obscure and dark in sentences, words and terms, and upon the same so many doubts, ambiguities and questions have risen and grown, and the same acts, statutes and laws been of so little force or effect, that by reason thereof little or no punishment hath ensued to the offenders of the same, but rather hath encouraged them to use the same: (3) For reformation whereof, be it enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and of the commons in this present parliament assembled, and by the authority of the same, That all and every

How offenders in usury shall be punished.

All statutes the

concerning u-  
sury repealed.  
20 H. 3. c. 5.  
3 H. 7. c. 5. 6.  
11 H. 7. c. 8.

the said acts, statutes and laws heretofore made, of, for or con-  
cerning usury, shifts, corrupt bargains and chevissances, and eve-  
ry of them, and all pains, forfeitures and penalties concerning  
the same, and every part thereof, shall from henceforth be ut-  
terly void and of none effect, to all intents, constructions and  
purposes.

Selling of  
wares and  
buying them  
again.

II. And be it further enacted by the authority aforesaid, That  
no person or persons of what estate, degree or condition soever  
he or they be, from and after the last day of *January* next  
coming, shall by himself, factor, attorney, servant or deputy,  
sell his merchandises or wares to any person or persons, and  
within three months next after, by himself, factor, attorney,  
deputy, or by any other person or persons to his use and behoof,  
buy the same merchandises or wares, or any part or parcel there-  
of, upon a lower price, knowing them to be the same wares or  
merchandises that he before did so bargain and sell, upon the  
pains and forfeitures hereafter limited in this estatute.

Noperfon shall  
take above x l.  
for the for-  
bearance of an  
C l. for one  
year.  
Altered a2  
Jac. 1. c. 17.

III. And be it also enacted by the same authority, That no  
person or persons, of what estate, degree, quality or condition  
soever he or they be, at any time after the said last day of *Janu-  
ary* next coming, by way or mean of any corrupt bargain, lone,  
exchange, chevissance, shift, interest of any wares, merchandises,  
or other thing or things whatsoever, or by any other corrupt or  
deceitful way or mean, or by any covin, engin or deceitful way  
or conveyance, shall have, receive, accept or take in lucre or  
gains for the forbearing or giving day of payment of one whole  
year of and for his or their money, or other things that shall be  
due for the same wares, merchandises, or other thing or things,  
above the sum of ten pound in the hundred, and so after that  
rate, and not above, of and for a more or less sum, or for a  
longer or shorter time, and no more or greater gain or sum  
thereupon to be had, upon the pains and forfeitures hereafter in  
this act mentioned and contained.

There shall  
not be taken  
above x l. in  
the C l. upon  
sale or mort-  
gage of lands.

IV. And be it further enacted by the authority aforesaid,  
That if any person or persons, at any time after the said last day  
of *January*, do bargain and sell, or lay to mortgage by any way  
or mean any manors, lands, tenements or hereditaments to any  
person or persons, upon condition of payment or non-payment  
of any sum or sums of money to be had, paid or made at any  
day certain, or before any such day by him that shall so bargain,  
sell or lay to mortgage the same manors, lands, tenements or  
hereditaments, that the same person or persons, to whom any  
such manors, lands, tenements or hereditaments shall be so bar-  
gained, sold or laid to mortgage, shall not by reason thereof  
have, ne take, in lucre or gains of the issues, revenues and pro-  
fits of the same manors, lands, tenements or hereditaments,  
above the sum of ten pound in the hundred for one whole year,  
and so after the rate aforesaid for a more or lesser sum, or for a  
longer or shorter time, and no more, nor otherwise, upon the  
pains, forfeitures and penalties hereafter in this present estatute  
limited and expessed.

V. And

V. And be it further enacted by the authority aforesaid, That if any person or persons, of what estate, degree, quality or condition soever he or they be, at any time after the said last day of *January* next coming, shall do any act or acts, thing or things, contrary to the tenor, form and effect of this estatute, or of any clause, article or sentence contained in the same, that then all and every offender and offenders therein, or in any part thereof, shall forfeit and lose for every such offence the treble value of the wares, merchandises, and other thing or things so bargained, sold, exchanged or shifted, (2) and the treble value of the issues and profits of the said manors, lands, tenements and hereditaments so had, taken or received by reason of any such bargain, sale or mortgage, (3) and also shall have and suffer imprisonment of his body, and make fine and ransom at the King's will and pleasure; (4) the moiety of which forfeiture of the said treble value shall be to the King, and the other moiety to him or them that will sue for the same in any of the King's courts, by action of debt, bill, plaint or information, in which action, bill, plaint or information, no wager of law, essoin or protection shall be admitted or allowed.

The forfeiture of the offenders in the premises.

VI. Provided always, and be it enacted by the authority aforesaid, That this act, nor any thing therein contained, shall not in any wise extend to any lawful obligation indorced with a condition, nor to any statute or recognisance made and to be made for the payment of a lesser sum, so that the same obligation, statute or recognisance be made for a true, just and perfect debt, or for the performance of any other true covenants, made or to be made upon a just and true intent had between the parties, other than in cases of usury, interest, corrupt bargains, shift or chevance; (2) ne yet shall extend to any recovery, fine, feoffment, release, confirmation or grant made or to be made upon condition with a true intent, other than to such recoveries, fines, feoffments, releases, confirmations and grants, as shall be made upon condition extending to usury, interest, corrupt bargains, shifts or chevance; any thing in this statute contained, or any law, statute or ordinance heretofore had, used or made to the contrary notwithstanding.

To what obligations and assurances this statute extendeth not.

5 & 6 Ed. 6.  
c. 20.  
13 El. c. 8.  
31 El. c. 5.  
12 Car. 2. c. 13.  
12 Annæ.  
stat. 2. c. 16.

#### C A P. X.

If any person shall devise or make any writing, comprising that another hath spoken or committed high treason, and the said writing shall cast or leave in an open place whereby it may be found, and shall not subscribe his name to the same, and within twelve days after personally appear before the King and his council, and affirm the contents of the same to be true; then he shall be adjudged a felon.

REP. 1 Ed. 6.  
c. 12.

#### C A P. XI.

Every person which shall be owner of *Combe* marishes in the parish of *East-Greenwich* in the county of *Kent*, shall be contributory towards the reparation of the said marishes from time to time, after the rate of the acre, as other owners be charged;

ed: and when any tax shall be made, it shall be lawful to the exponditors and collectors, or one of them, to distrain the goods of such persons which shall refuse to pay after that rate, and the same distress to retain and use according to the laws of *Romney marth*.

## CAP. XII.

*An act for tithes in London.*

22 & 23 Car. 2.  
C. 15.

A rehearſal of  
the ſtatute of  
27 H. 8. c. 21.  
concerning  
the payment  
of tithes in  
London.

**W**HERE of late time contention, ſtriſe and variance hath riſen and grown within the city of London, and the liberties of the ſame, between the parſons, vicars and curates of the ſaid city, and the citizens and inhabitants of the ſame, for and concerning the payment of tithes, oblations and other duties within the ſaid city and liberties: for appeaſing whereof, a certain order and decree was made thereof by the moſt reverend father in God Thomas archbiſhop of Canterbury, metropolitane, chief primate of all England, Thomas Audley knight, lord Audley of Walden, and then lord chancellor of England, now deceaſed, and other of the King's majeſty's moſt honourable privy council; and alſo the King's letters patents and proclamation was made thereof, and directed to the ſaid citizens concerning the ſame; whereupon it was after enacted in the parliament holden at Weſtmiſter by prorogation the fourth day of February in the twenty-ſeventh year of the King's majeſty's moſt noble reign, by authority of the ſame parliament, that the citizens and the inhabitants of the ſame city ſhould, at Eaſter then next coming, pay unto the curates of the ſaid city and ſuburbs, all ſuch and like ſums of money for tithes, oblations and other duties, as the ſaid citizens and inhabitants by the order of the ſaid late lord chancellor, and other of the King's moſt honourable council, and the King's ſaid proclamation, paid or ought to have paid by force and virtue of the ſaid order at Eaſter, which was in the year of our Lord God, MDXXXV, (2) and the ſame payments ſo to continue from time to time, until ſuch time as any other order or law ſhould be made, publiſhed, ratified and confirmed by the King's highneſs, and the two and thirty perſons by his Grace to be named, as well for the full eſtabliſhment concerning the payment of all tithes, oblations, and other duties of the inhabitants within the ſaid city, ſuburbs and liberties of the ſame, as for the making of other eccleſiaſtical laws of this realm of England, (3) and that every perſon denying to pay, as is aforeſaid, ſhould, by the commandment of the mayor of London for the time being, be committed to priſon, there to remain until ſuch time as he or they ſhould have agreed with the curate or curates for their ſaid tithes, oblations and other duties, as is aforeſaid, as in the ſaid act more plainly appeareth: (4) ſithen which act divers variances, contentions and ſtriſes are newly riſen and grown between the ſaid parſons, vicars and curates, and the ſaid citizens and inhabitants, touching the payments of the tithes, oblations and other duties, by reaſon of certain words and terms ſpecified in the ſaid order, which are not ſo plainly and fully ſet forth, as is thought convenient and meet to be; for appeaſing whereof, as well the ſaid parſons, vicars and curates, as the ſaid citizens and inhabitants, have compromiſſed and put themſelves to ſtand to ſuch order and decree touching the

Arbitrators  
choſen be-

*the premisses, as shall be made by the said right reverend father in God, Thomas archbishop of Canterbury, metropolitane and primate of England, the right honourable Sir Thomas Wryothesly knight, lord Wryothesly, and lord chancellor of England, the right honourable Thomas duke of Norfolk, lord treasurer of England, the right honourable Sir William Paulet knight, lord St. John, lord president of the council, and lord great master of the King's most honourable household, the right honourable Sir John Russel knight, lord Russel and lord privy seal, the right honourable Edward earl of Hertford, lord great chamberlain of England, the right honourable John viscount Lisle, high admiral of England, Sir Richard Lister knight, chief justice of England, Sir Edward Mountague knight, chief justice of the common bench at Westminster, and Sir Roger Cholmely knight, chief baron of the exchequer, for a final end and conclusion to be had and made touching the premisses for ever.* (5) And to the intent to have a full peace and perfect end between the said parties, their heirs and successors, touching the said tithes, oblations and other duties for ever, be it enacted by the authority of this present parliament, That such end, order and direction, as shall be made, decreed, and concluded by the forenamed archbishop, lords and knights, or any six of them, before the first day of *March* next ensuing, of, for, and concerning the payments of the tithes, oblations and other duties within the said city, and the liberties of the same, and inrolled in the King's high court of chancery of record, shall stand, remain, and be as an act of parliament, and shall bind as well all citizens and inhabitants of the said city and liberties for the time being, as the said parsons, vicars, curates, and their successors for ever, according to the effect, purport and intent of the said order and decree so to be made and inrolled; (6) and that every person denying to pay any of his or their tithes, oblations or other duties, contrary to the said decree so be made, shall, by the commandment of the mayor of *London* for the time being, and in his default or negligence, by the lord chancellor of *England* for the time being, be committed to prison, there to remain till such time as he or they have agreed with the curate and curates for his or their said tithes, oblations and other duties, as is aforesaid.

tween the parsons, vicars and curates of London, and the citizens and inhabitants of the same, touching the payment of tithes.

The penalty of them which refuse to pay their tithes according to the arbitrators decree.

#### The decree.

II. **A**S touching the payment of tithes in the city of London, and the liberties of the same, it is fully ordered and decreed by the most reverend father in God, Thomas archbishop of Canterbury, primate and metropolitane of England, Thomas lord Wryothesly, lord chancellor of England, William lord St. John, president of the King's majesty's council, and lord great master of his Highness household, John lord Russel, lord privy seal, Edward earl of Hertford, lord great chamberlain of England, John viscount Lisle, high admiral of England, Richard Lister knight, chief justice of England, and Roger Cholmely knight, chief baron of his Grace's exchequer, this present twenty-fourth day of February, Anno Domini, secundum kursium & computationem Ecclesie Anglicane, millesimo quin-

Cro. El. 276.  
1 Cro. 596.

Parsons, vicars, curates, tithes.

gentesimo quadragésimo quinto, according to the statute in such case lately provided, (2) that the citizens and inhabitants of the said city of London and liberties of the same, for the time being, shall yearly without fraud or covin for ever pay their tithes to the parsons, vicars and curates of the said city, and their successors for the time being, after the rate hereafter following, that is to wit, of every x. s. rent by the year of all and every house and houses, shops, ware-houses, cellars, stables, and every of them within the said city and liberty of the same, xvj. d. ob. (3) And every of xx. s. rent by the year of all and every such house and houses, shops, ware-houses, cellars and stables, and every of them within the said city and liberties, ij. s. and ix. d. And so above the rent of xx. s. by the year, ascending from x. s. to x. s. according to the rate aforesaid.

h. Inst. 659.

III. Item, That where any lease is or shall be made of any dwelling house or houses, shops, ware-houses, cellars or stables, or any of them, by fraud or covin, reserving less rent than hath been accustomed, or is, or that any such lease shall be made without any rent reserved upon the same, by reason of any fine or income paid beforehand, or by any other fraud or covin; that then in every such case the tenant or farmer, tenants and farmers thereof shall pay, for his or their tithes of the same, after the rate aforesaid, according to the quality of such rent or rents, as the same house or houses, shops, ware-houses, cellars or stables or any of them were last letten for, without fraud or covin, before the making of such lease.

IV. Item, That every owner or owners, inheritor or inheritors of any dwelling house or houses, shops, ware-houses, cellars or stables, or any of them, within the said city and liberties, inhabiting or occupying the same himself, or themselves, shall pay after such rate or tithes as is abovesaid, after the quantity of such yearly rent as the same was last letten for, without fraud or covin.

Leases.

V. Item, If any person or persons have taken, or hereafter shall take any mease or mansion place by lease, and the taker or takers thereof, his or their executors or assigns, doth or shall inhabit in any part thereof, and have or hath within eight years last past before this order, or hereafter will or shall let out the residue of the same; that then in such case the principal farmer or farmers, or first taker or takers thereof, his or their executors or assigns, shall pay his or their tithes after the rate aforesaid, according to his or their quantity therein, and that his or their executors, assignee or assignees, shall pay his or their tithes after the rate abovesaid, according to the quantity of their rent by year.

VI. And that if any person or persons have, or shall take divers mansion-houses, shops, ware-houses, cellars or stables, in one lease, and letteth or shall let out one or more of the said houses, and keepeth or shall keep one or more in his or their own hands, and inhabiteth or inhabit in the same; that then the said taker or takers, and his and their executors or assigns shall pay his or their tithes after the rate abovesaid, according to the quantity of the yearly rent of such mansion house or houses, retained in his or their hands; and that his assignee or assignees of the residue of the said mansion house or houses, shall pay his

or their tithes after the rate abovesaid, according to the quantity of their yearly rents.

VII. Item, If such farmer or farmers, or his or their assigns of any mansion house or houses, ware-houses, shops, cellars or stables, hath at any time within eight years last past, or shall hereafter, let over all the said mansion house or houses contained in his or their lease, to one person, or to divers persons; that then the inhabitants, lessees or occupiers of them, and every of them, shall pay their tithes after the rate of such rents as the inhabitants, lessees or occupiers, and their assignee or assignees have been or shall be charged withal, without fraud or covin.

VIII. Item, If any dwelling house, within eight years last past, was or hereafter shall be converted into a ware-house, store-house, or such like, or if a ware-house, store-house, or such like, within the said eight years, was or hereafter shall be converted into a dwelling house; that then the occupiers thereof shall pay tithes for the same, after the rate above declared of mansion house rents.

IX. Item, That where any person shall demise any dye-house or brew-house, with implements convenient and necessary for dying or brewing, reserving a rent upon the same, as well in respect of such implements, as in respect of such dye-house or brew-house; that then the tenant shall pay his tithes after such rate as is abovesaid, the third penny abated: (2) and that every principal house or houses, with key or wharf, having any crane or gibet belonging to the same, shall pay after the like rate of their rents, as is aforesaid, the third penny abated; (3) and that other wharfs belonging to houses having no crane or gibet, shall pay for his tithes as shall be paid for mansion houses, in form aforesaid.

X. Item, That where any mansion-house with a shop, stable, ware-house, wharf with crane, timber-yard, teinter-yard, or garden belonging to the same, or as parcel of the same, is or shall be occupied together, that if the same be hereafter severed or divided, or at any time within eight years last past were severed or divided; that then the farmer or farmers, occupier or occupiers thereof, shall pay such tithes as is abovesaid, for such shops, stable, ware-houses, wharf with crane, timber-yard, teinter-yard or garden aforesaid, so severed or divided, after the rate of their several rents thereupon reserved.

XI. Item, That the said citizens and inhabitants shall pay their tithes quarterly, that is to say, at the feast of Easter, the nativity of St. John Baptist, the feast of St. Michael the archangel, and the nativity of our Lord, by even portions.

XII. Item, That every householder paying ten shillings rent or above, shall, for him or herself, be discharged of their four offering-days: but his wife, children, servant, or others of their family, taking the rights of the church at Easter, shall pay two pence for their four offering-days yearly.

XIII. Provided always, and it is decreed, That if any house or houses which hath been or hereafter shall be letten for ten shillings rent by year, or more, be or hath at any time within eight years last passed, or hereafter shall be, divided and leased into small parcels or members, yielding less yearly rent than ten shillings by the year; that then the

owner or owners, if he or they dwell in any part of such house, or also the principal lessee and lessees, if the owner or owners do not dwell in some part of the same, shall from henceforth pay for his or their tithes after such rate of rent as the same house was accustomed to be letten for, before such division or dividing into parts or members: (2) and the under farmer and farmers, lessee and lessees, to be discharged of all tithes for such small parcels, parts or members, rented at less yearly rent than ten shillings by year without fraud or covin, paying two pence yearly for four offering-days.

XIV. Provided alway, and it is decreed, That for such gardens as appertain not to any mansion house, and which any person or persons holdeth or shall hold in his or their hands for pleasure, or to his own use; that the then person so holding the same, shall pay no tithes for the same: but if any person or persons, which holdeth, or shall hold any such garden, containing half an acre or more, doth or shall make any yearly profit thereof by way of sale; that then he or they shall pay tithes for the same, after such rate of his rent, as is herein first above specified.

XV. Provided also, That if any such gardens now being of the quantity of half an acre, or more, be hereafter by fraud or covin divided into less quantity or quantities, then to pay tithes according to the rate abovesaid.

XVI. Provided alway, That this decree shall not extend to the houses of great men, or noble men, or noble women, kept in their own hands, and not letten for any rent, which in times past hath paid no tithes, so long as they shall so continue unletten: (2) nor to any halls of crafts or companies, so long as they be kept unletten, so that the same halls in times past have not used to pay any tithes.

XVII. Provided always, and it is decreed, That this present order and decree shall not in any wise extend to bind or charge any sheds, stables, cellars, timber-yards, ne teinter-yards, which were never parcel of any dwelling-house, ne appertaining or belonging to any dwelling-house, ne have been accustomed to pay any tithes; but that the said citizens and inhabitants shall thereof be quit of payment of any tithes, as it hath been used and accustomed.

XVIII. Provided also, and it is decreed, That where less sum than after sixteen pence half-peny in the ten shillings rent, or less sum than two shillings nine pence in the twenty shillings rent, hath been accustomed to be paid for tithes; that then in such places the said citizens and inhabitants shall pay but only after such rate as hath been accustomed.

XIX. Item, It is also decreed, That if any variance, controversy or strife, do or shall hereafter arise in the said city for non-payment of any tithes; or if any variance or doubt arise upon the true knowledge or division of any rent or tithes, within the liberties of the said city, or of any extent or assessment thereof, or if any doubt arise upon any other thing contained within this decree; that then upon complaint made by the party grieved, to the mayor of the city of London for the time being, the said mayor by the advice of council, shall call the said parties before him, and make a final end in the same, with costs to be  
award-

awarded by the discretion of the said mayor and his assistants, according to the intent and purport of this present decree.

XX. And if the said mayor make not an end thereof within two months after complaint to him made, or if any of the said parties find themselves aggrieved, that then the lord chancellor of England for the time being, upon complaint to him made within three months then next following, shall make an end in the same, with such costs to be awarded as shall be thought convenient, according to the intent and purport of the said decree.

XXI. Provided always, That if any person or persons take any tenement for a less rent than it was accustomed to be letten for, by reason of great ruin or decay, brenning, or such like occasions or misfortunes; that then such person or persons, his executors or assigns, shall pay tithes only after the rate of the rent reserved in his or their lease, and none otherwise, as long as the same lease shall endure.

### C A P. XIII.

*An act repealing the act made for pins.*

A repeal of the statute 34 & 35 H. 8. c. 6. ordained for the making of pins.

### C A P. XIV.

There shall be a corporation or body politick of two persons, to be called for ever the masters or keepers of the pier or key of Scarborough in the county of York, who shall have authority to govern the works of the same key or pier, to hire workmen, buy stuff, and make provision for every thing thereunto belonging, which shall receive yearly of every owner of any messuages, lands, tenements and hereditaments, or rents, within the liberties of Scarborough, the fifth part of the yearly value of the same, towards the reparation of the said pier; for the which the said masters or keepers may distrain.

### C A P. XV.

No person, or other than merchants of the staple, and their factors and servants, to be shipped only to the staple, and other than such as shall convert the same into yarn, hats, girdles or cloth (and not to sell again) shall buy or take promise of bargain of any wools of the growing, in the shires of Kent, or twenty-seven shires, upon pain of forfeiture of the double value thereof, but every person may bring his own wool to the open market, and sell it. No person shall buy or bargain for wool for any merchant stranger, upon pain of forfeiture thereof. *To continue to the end of the next parliament.*

### C A P. XVI.

The lordship of Rippon, with several other lands, to be annexed to the duchy of Lancaster,

## CAP. XVII.

*A bill that doctors of civil law being married may exercise ecclesiastical jurisdiction.*

The authority of the King as supreme head of the church.

The cause why no married man should exercise ecclesiastical jurisdiction.

**I**N most humble wise shew and declare unto your Highness your most faithful, humble and obedient subjects, the lords spiritual and temporal, and the commons, of this present parliament assembled, That where your most royal Majesty is and hath always justly been, by the word of God, supreme head in earth of the church of England, and hath full power and authority to correct, punish and repress all manner of heresies, errors, vices, sins, abuses, idolatries, hypocrisies and superstitions, sprung and growing within the same, and to exercise all other manner of jurisdictions, commonly called ecclesiastical jurisdiction: (2) nevertheless the bishop of Rome and his adherents, minding utterly as much as in him lay to abolish, obscure and delete such power given by God to the princes of the earth, whereby they might gather and get to themselves the government and rule of the world, have, in their councils and synods provincial, made, ordained, established and decreed divers ordinances and constitutions, that no lay or married man should or might exercise or occupy any jurisdiction ecclesiastical, nor should be any judge or register in any court commonly called ecclesiastical court, lest their false and usurped power, which they pretended and went about to have in Christ's church, should decay, wax vile, and be of no reputation, as by the said councils and constitutions provincial appeareth; which standing and remaining in their effect, not abolished by your Grace's laws, did sound to appear to make greatly for the said usurped power of the said bishop of Rome, and to be directly repugnant to your Majesty as supreme head of the church, and prerogative royal, your Grace being a lay-man.

25 H. 8. c. 19. f. 7.

The clergy have no ecclesiastical jurisdiction but by and under the King.

27 H. 8. c. 20. f. 4.

32 H. 8. c. 7. f. 5;

**II.** And albeit the said decrees, ordinances and constitutions, by a statute made in the five and twentieth year of your most noble reign, be utterly abolished, frustrate and of none effect; yet because the contrary thereunto is not used, nor put in practice by the archbishops, bishops, archdeacons and other ecclesiastical persons, who have no manner of jurisdiction ecclesiastical, but by, under and from your royal Majesty, it addeth, or at the least may give occasion to some evil-disposed persons to think, and little to regard the proceedings and censures ecclesiastical made by your Highness and your vicegerent, officials, commissaries, judges and visitators, being also lay and married men, to be of little or none effect or force, whereby the people gathereth heart and presumption to do evil, and not to have such reverence to your most godly injunctions and proceedings as becometh them.

**III.** But forasmuch as your Majesty is the only and undoubted supreme head of the church of England, and also of Ireland, to whom by holy scripture all authority and power is wholly given to hear and determine all manner causes ecclesiastical, and to correct vice and sin whatsoever, and to all such persons as your Majesty shall appoint thereunto; that in consideration thereof, as well for the instruction of ignorant persons, as also to avoid the occasion of the opinion aforesaid, and the setting forth of your prerogative royal and supremacy.

**IV.** It

IV. It may therefore please your Highness, that it may be ordained and enacted by authority of this present parliament, That all and singular persons, as well lay, as those that be now married or hereafter shall be married, being doctors of the civil law, lawfully create and made in any university, which shall be made, ordained, constituted and deputed to be any chancellor, vicar general, commissary, official, scribe or register, by your Majesty, or any of your heirs or successors, or by any archbishop, bishop, archdeacon or other person whatsoever, having authority under your Majesty, your heirs and successors, to make any chancellor, vicar general, commissary, official or register, may lawfully execute and exercise all manner of jurisdiction, commonly called ecclesiastical jurisdiction, and all censures and coercions appertaining, or in any wife belonging unto the same, albeit such person or persons be lay, married or unmarried, so that they be doctors of the civil law, as is afore said; any law, constitution or ordinance to the contrary notwithstanding.

Doctors of the civil law, if they be laymen, being married or unmarried, may exercise ecclesiastical jurisdiction. Cro. El. 314. Poph. 37. Repealed by 1 & 2 Ph. & M. c. 8. f. 22. and revived by 1 El. c. 1. f. 12.

## CAP. XVIII.

The King during his life may by his joint or several letters patent under the great seal, and proclamation, make the city of *Westminster* one honour, the town of *Kingston upon Hull* another, his castle of *Donington* in the county of *Berks* a third, and *St. Osith* in the county of *Essex* a fourth honour; and also so many honours as he will, and annex to them such lands of his as he will. The freeholders and copyholders shall hold their lands as they did before.

## CAP. XIX.

*The bill for fines in county palatine.*

**F**ORASMUCH as divers good and beneficial statutes, for the commodity of the King's subjects within this realm, have heretofore been made by authority of parliament, concerning the levying of fines with proclamation, both for avoiding of strife, and also for the surety of the King's subjects, to be had of and in lands, tenements and hereditaments, by them purchased or obtained; which good and beneficial statutes do not extend to fines levied in the county palatine of Lancaster: 1 Roll. 305.

II, Be it therefore ordained and enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same parliament, That all and singular fines, which at any time hereafter shall be levied or knowledgeable before the justices of our sovereign lord the King, or of his heirs or successors, of the county palatine of *Lancaster*, commonly called justices of assize at *Lancaster*, or before one of them, of any lands, tenements or other hereditaments, lying or being within the county palatine of *Lancaster*, (2) which shall be openly read and proclaimed three several days in the open sessions in the presence of the justices of assize at *Lancaster*, or of one of them for the time being, at the same sessions that the same fine shall fortune to be ingrossed, and also that shall be openly read and pro-

Fines levied in Lancaster are of like force as fines acknowledged before the justices of the common pleas.

proclaimed in the presence of the justices of assise at *Lancaster*, or of one of them for the time being, at the two next general sessions that shall be holden in the said county palatine of *Lancaster*, before the justices of the same county, commonly called justices of assise at *Lancaster*, or before one of them, next after the levying or ingrossing of such said fine, at three several days in either of the said two sessions, after such manner and form as is commonly used in the King's court of his common place at *Westminster*, (3) shall be of like force, strength and effect in the law, to all intents, constructions and purposes, as fines being duly levied with proclamations before the King's justices of his common place be or ought to be of.

## CAP. XX.

*The tenure of lands of forty shillings by year or under.*

**W**HERE in the parliament holden at Westminster the fourteenth day of January in the five and thirtieth year of the King our most gracious sovereign lord's reign, it was among other things enacted, ordained and established, That from the four and twentieth day of April then next following, the same our sovereign lord the King's highness, his heirs or successors, upon any letters patents of any manors, lands, tenements or other hereditaments, not exceeding the clear yearly value of forty shillings, belonging to any of the late monasteries or religious houses, which came to his gracious hands by the act of parliament made at Westminster in the seven and twentieth year of his most gracious reign; and upon any of his or their letters patents made of any houses, tenements, cottages or gardens, whereunto no lands or hereditaments did appertain, not being any of the King's princely houses reserved and kept by a keeper thereof to his Grace's use, which were belonging to any of the said late monasteries or religious houses comprised in the said act made in the said seven and twentieth year of our said sovereign lord the King's reign, by which letters patents any estate of inheritance should or might pass from the King's highness, his heirs or successors, might reserve upon the same letters patents to his Highness, his heirs or successors, at his and their own will and pleasure, either a tenure by knights service in capite, or else a tenure in soccage or free burgage, and not in capite; any law, custom, usage or any other thing to the contrary thereof notwithstanding, as by the same act made in the said five and thirtieth year of our said sovereign lord the King's reign, amongst other things, more plainly appeareth; (2) forasmuch as divers and sundry ambiguities and doubts have risen and grown sithen the making of the said act in the said five and thirtieth year of our said sovereign lord the King's reign, as well upon the exposition of the words contained in the said act, in that that the said act doth not extend to any lands or tenements, other than such as be expressed in the said act made in the said seven and twentieth year of our said sovereign lord the King's reign, as also upon the tenures of divers manors, lands, tenements and hereditaments, by his Highness given and granted sithen the said four and twentieth day of April in the said five and thirtieth year of his most noble reign, &c.

35 H. 8. c. 14.

27 H. 8. c. 28.  
The King during five years may reserve other tenures, and not in capite, upon

lands not exceeding the yearly value of xl. s. A patent of land granted by the King with these words, Tenendum de nobis, &c. et non in capite. 7 Ed. 6. c. 3.

## CAP. XXI.

*The bill for the union of churches.*

**W**HERE in divers and sundry places within this realm of England there be many and sundry parsonages, the glebes, tithes and yearly revenues and profits whereof be not sufficient to find a priest or curate to serve or minister to the parishioners thereof; within a mile or less of the church of which poor parsonages there is in many places another church pertaining to another parish, standing as necessary and commodiously for the access of the parishioners of the other poor parish, as their own doth:

II. And forasmuch as the charges of the maintenance of such two churches and chapels, with all manner of reparations, ornaments and other accustomed duties pertaining to a church, be much greater than may be well raised or borne amongst such poor parishioners, and might and should be eased and remedied by the uniting and knitting of such two churches in one:

III. It may therefore please the King's royal majesty, with the assent of his lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that it may be enacted and established, That an union or consolidation of two churches in one, or of a church and chapel in one, the one of them not being above the yearly value of six pounds, as it is rated and valued at to the King's highness in his court of the first fruits and tenths, and not distant from the other above one mile, in any place or places within this realm of England, may be from henceforth had or made by the assent of the ordinary and ordinaries of the diocese where such churches and chapels stand, and by the assents of the incumbents of them, and of all such as have a just right, title and interest to the patronages of the same churches and chapels, being then of full age; (2) and that all such unions and consolidations had or made of two churches in one, or of a church and chapel in one as is aforesaid, shall be good, sufficient, lawful, firm, stable and available in the law, to remain, endure and continue for ever united and knit in one, in such manner and form, as by writing or writings under the seals of such ordinaries, incumbents and patrons, it shall be declared and set forth.

Two churches not being above a mile distant, and one of them being not above the yearly value of six pounds, may be united into one.

IV. And be it further enacted by the authority aforesaid, That all unions and consolidations of all churches and chapels, which have heretofore been united or knit together in one by the assent of the ordinaries, incumbents, and true and lawful patrons in fee-simple of them as is aforesaid, shall also remain and be from henceforth adjudged and deemed in the law to endure and continue for ever united and knit in one, without any dissolution, undoing, unknitting, or repeal of them, or any of them, by any manner of means or way.

A confirmation of all unions heretofore made.

V. Saving unto the King's majesty, his heirs and successors, all the tenths and first-fruits of all such churches and chapels, as be heretofore united or consolidated in one, or that hereafter shall

The King's tenths and first-fruits reserved.

shall be united and consolidated in one, according to the same, or such like rates and valuations, as the same churches and chapels, or any of them, now are rated or valued at to the King's said majesty, in his said Highness court of the first-fruits and tenths.

Unions shall not be in corporate towns without consent of the magistrates thereof.

17 Car. 2. c. 3.

The union avoided upon a competent living assured.

VI. Provided alway, That all unions and consolidations, and every of them, hereafter to be had or made of any church or chapel within any city or town corporate within this realm of England, without the assent of the mayor, sheriffs and commonalty of the city where such churches, church or chapel be or shall be, or without the assent of such bodies corporate of other towns corporate, where such churches, church or chapel be, or shall be, by the names of their corporations in writing under their common seal, shall be clearly void and of no force ne effect; any thing before expressed, or any ordinance, law, custom or statute to the contrary thereof in any wise notwithstanding.

VII. Provided also; That where the inhabitants of any such poor parish, or the more part of them, within one year next after the union or consolidation of the same parish, by their writing sufficient in the law, shall assure the incumbent of the said parish for the yearly payment of so much money, as with the sum that the said parish is rated and valued at in the King's highness said court of the first-fruits and tenths, shall amount to the full sum of eight pounds sterling, to be levied and paid yearly by the said inhabitants to the said incumbent and his successors, that then all such unions or consolidations hereafter to be had or made of any such poor parish as is aforesaid, shall be void and of none effect; any thing statuted or ordained to the contrary hereof in any wise notwithstanding.

1 El. c. 4.

VIII. Provided always, That this said proviso shall not extend to any union or consolidation of any church or chapel had or made before the making of this estate; any thing in the said proviso mentioned to the contrary thereof notwithstanding.

## C A P. XXII.

*An act to fill up the jury de circumstantibus.*

The statute of 35 H. 8. c. 6. continued until the end of the next parliament. Made perpetual by 1 Ed. 6. c. 32.

**B**E it enacted and established by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the act for non-appearance in juries to have *de circumstantibus*, made at Westminster at the parliament holden the five and thirtieth year of our said sovereign lord's reign, shall continue and remain unto the end of the next parliament in his full force and strength, in as ample manner as is in the said act purported.

## C A P. XXIII.

*An act for the continuance of certain statutes.*

**W**HERE in the parliament begun and holden at London the third day of November in the twenty-one year of the reign of our most dread sovereign lord King Henry the Eighth and from thence ad-

adjourned to Westminster and there holden and continued by divers  
 prorogations unto the dissolution thereof an act was made and esta-  
 blished declaring and concerning, as well how aged poor, and impotent <sup>22 H. 8. c. 12.</sup>  
 persons, compelled to live by alms, shall be ordered and used, and also  
 how vagabonds and mighty strong beggars should be whipped and pu-  
 nished; and at the said parliament one other act was made and esta-  
 blished for the restraint of carrying and conveying of horses and mares  
 out of this realm; which said two several acts were also made to en-  
 dure to the last day of the next parliament, as by the same two several  
 acts more plainly appeareth: and also one other act was there made in  
 the said parliament for the true making of cables, halfers, and ropes;  
 and also one other act for the true winding of wools, and one other act <sup>21 H. 8. c. 12.</sup>  
 to restrain killing of wainlings, bullocks, steers and heifers, being un- <sup>23 H. 8. c. 17.</sup>  
 der the age of two years; which said three several acts last before re- <sup>24 H. 8. c. 9.</sup>  
 membered, were then made to endure and continue unto the next par-  
 liament, as by the same three several acts more plainly appeareth: and  
 where also in the same parliament one other act was made and esta-  
 blished, for the attainments to be sued for the punishment of perjury upon  
 untrue verdicts; and also one other act was made there in the said <sup>23 H. 8. c. 3.</sup>  
 parliament, concerning sowing of flax and hemp; all which two several <sup>24 H. 8. c. 4.</sup>  
 acts last before rehearsed, were then made and ordained to continue  
 and endure to the last day of the next parliament, as by the same two  
 several acts more plainly at large is shewed, and may appear: and <sup>23 H. 8. c. 2.</sup>  
 where also in the said parliament one other act was made and esta-  
 blished for making of gaols in divers shires of this realm, which same  
 act was then made to continue and endure for one year next after the end  
 of the same parliament, as by the same act also more plainly appeareth:  
 and where also in the parliament begun and holden at Westminster  
 the eighth day of June in the twenty-eighth year of the reign of our  
 said most dread sovereign lord King Henry the Eighth, and there con-  
 tinued and kept until the dissolution thereof; it was ordained and en-  
 acted, that all and singular the said acts above remembered, and every  
 of them, should continue and endure in their force and strength, and also  
 be observed and kept until the last day of the next parliament, as by the  
 same acts amongst other things therein contained more plainly appeareth:  
 and where also in the parliament begun and holden at Westminster the  
 twenty-eighth day of April, and there continued until the twenty-eighth  
 of June, in the thirty-first year of the reign of our most dread sovereign  
 lord King Henry the Eighth, it was ordained and enacted by the au-  
 thority of the same parliament, that all and singular the said several  
 acts above remembered, and every of them, and all clauses, articles and  
 provisions in them and every of them contained, should continue and en-  
 dure in their force and strength, and also be observed and kept until  
 the last day of the next parliament, as by the same act amongst other  
 things therein contained more plainly appeareth: and where also in  
 the last session of the same parliament begun at Westminster the twelfth  
 day of April in the said thirty-first year of the King's most noble reign,  
 and there by divers prorogations continued until the twenty-fourth day  
 of July in the thirty-second year of our said sovereign lord the King's  
 reign, there was one other act made and established for and concerning  
 the reformation of mispleading, jessails and attorneys; which said act  
 last

32 H. 8. c. 30. *last mentioned, with the proviso, were made to endure until the last day of the next parliament, as by the same act amongst other things therein contained more plainly appeareth: and where in the same parliament an act was made concerning buying of fish upon the sea, and*  
 33 H. 8. c. 2. *one other act was made concerning the making of worsted yarn, in the*  
 33 H. 8. c. 16. *county of Norfolk, as by the same two acts more at large it may and*  
 34 H. 8. c. 7. *doth appear; and also one other act was there made in the said parliament*  
 34 H. 8. c. 16. *for reasonable prices of wines to be set, and one other act was made there in the said parliament concerning the ordering and discharging of sheriffs by their oaths, upon their accounts, as by the same two acts last recited more plainly in the same acts it doth appear: and forasmuch as all and singular the said several acts above mentioned be good and beneficial for the common weal of this realm, be it therefore enacted and ordained by the authority of this present parliament, That the said act concerning the buying of fish upon the sea, and the said act concerning and declaring how aged and impotent persons, compelled to live by alms, should be ordered and used, and also how vagabonds and mighty strong beggars should be whipped and punished, and all the residue of the acts and statutes above mentioned, and every of them, and all clauses, articles and provisions in them and every of them contained, shall continue and endure in their force and strength, and be observed and kept in all things, unto the last day of the next parliament.*

Exp. 1 El.  
c. 18.

II. *And where in the said act concerning the setting of prices of wines it is contained, that the lord chancellor of England, lord treasurer, lord president of the King's council, lord privy seal, and the two chief justices, or five, four or three of them, should have power and authority by their discretions to set the prices of all kinds of wines, as by the same act more plainly appeareth: be it now ordained and enacted by the authority of this present parliament, That the said lord chancellor, lord treasurer, lord president, lord privy seal and the two chief justices, or five, four or three of them, shall yearly set the prices of all kinds of the said wines mentioned in the said former act between the twentieth day of November and the last day of December, and at noother time or times; and that all and every person selling in gros or by retail any of the said wines mentioned in the same act, shall not sell any of the same wines above the prices so by them set, upon such pains and forfeitures as be made and provided in the same statute made at Westminster the eight and twentieth year of the reign of our most dread sovereign lord the King.*

At what time the prices of wines shall be set by the lords according to the statute of 28 H. 8. c. 14. 12 Car. 2. c. 25.

In what cases chief officers of cities or corporate towns may sell other mens wines. 24 H. 8. c. 6.

III. *And be it further enacted by the authority aforesaid, That if any person or persons that now have, or hereafter shall have, any manner of wines to sell in gros within any city, borough, town corporate, or any other haven, corporate town or towns within this realm, or within any the King's dominions, or territories of the same, and do at any time hereafter refuse to sell any kind of the same wines, according to the price as now or at any time hereafter shall be limited and appointed by the said lord chancellor, lord treasurer, lord president, lord privy seal, and*

and other the said chief justices, or by any five, four, or three of them; that then it shall be lawful to the mayor of the city of *London*, recorder of the same city, and two of the ancient aldermen of the same city, being no vintners for the time being, and the mayor, bailiffs, aldermen and other the head officers, or to any two of them, whereof the mayor, or chief aldermen or bailiff to be one, within all and every other city, borough and port town within this realm, wherein any wines now be or hereafter shall be to sell, to enter into the houses, cellars and places of all and every such owner and owners of the same wines, in any of the said cities, boroughs and port towns, and the same wines lawfully to sell to the use of the owners of the same wines, to any person and persons willing to buy the same, according to such prices and rate as by the said lord chancellor, lord treasurer, lord president, lord privy seal, and the said two chief justices, or by any five, four, or three of them is or hereafter shall be set, limited and assigned, according to the tenor of the said act made in the said eight and twentieth year of the King's majesty's reign.

## CAP. XXIV.

A confirmation of a subsidy granted to the King by the clergy & Inft. 44. of the province of *Canterbury*, of six shillings in the pound, to be paid in two years.

## CAP. XXV.

A subsidy by the temporality.

## Anno primo EDWARD I VI.

Statutes made in the parliament begun at *Westminster* the fourth day of *November* in the first year of the reign of our most dread sovereign lord *Edward* the Sixth, by the grace of God King of *England*, *France* and *Ireland*, defender of the faith, and of the church of *England*, and also of *Ireland*, in earth the supreme head: And from thence continued to the twenty-fourth day of *December* then next ensuing; that is to say, in the first session of the same parliament, as followeth.

## CAP. I.

An act against such as shall unreverently speak against the sacrament of the altar, and of the receiving thereof under both kinds.

THE King's most excellent Majesty minding the governance and order of his most loving subjects to be in most perfect unity and concord in all things, and in especial in the true faith and religion of

The penalty for unreverent speaking against the sacrament of the body and

blood of  
Christ, or  
against the re-  
ceiving thereof  
in both kinds..

The King  
mindeth to  
have unity in  
religion by  
clemency.

The blessed  
sacrament in-  
stituted by  
Christ himself,  
and by what  
words of his.

The causes of  
the abuse of  
the blessed sa-  
crament.

God, and wishing the same to be brought to pass with all clemency and mercy on his Highness part towards them, as his most princely serenity and Majesty hath already declared by evident proof, to the intent that his most loving subjects provoked by clemency and goodness of their prince and King, shall study rather for love than for fear to do their duties, first to Almighty God, and then to his Highness and the common wealth, nourishing concord and love amongst themselves; (2) yet considereth and perceiveth that in a multitude all be not on that sort, that reason and the knowledge of their duties can move them from offence, but many which had need have some bridle of fear, and that the same be men most contentious and arrogant for the most part, or else most blind and ignorant: (3) by the means of which sort of men, many things well and godly instituted, and to the edification of many, be perverted and abused, and turned to their own and others great loss and hindrance, and sometime to extreme destruction: the which doth appear in nothing more or sooner, than in matters of religion, and in the great and high mysteries thereof, as in the most comfortable sacrament of the body and blood of our Saviour Jesus Christ, commonly called the sacrament of the altar, and in scripture, the (a) supper (b) table of the lord, the (c) communion and (d) partaking of the body and blood of Christ: (4) Which sacrament was instituted of no less author than of our Saviour, both God and man, when at his last supper amongst his apostles, he did take the bread into his holy hands, and did say, (e) Take you and eat, this is my body which is (f) given and (g) broken for you. And taking up the (h) chalice or cup, did give thanks, and say, (i) This is my blood of the new testament, which is shed for (k) you, and for (l) many, for the (m) remission of sins, that (n) whosoever we should do the same, we should do it in the remembrance of him, and to declare and set forth his death and most glorious passion, until his coming. Of the which (o) bread whosoever eateth, or of the which cup whosoever drinketh unworthily, (p) eateth and drinketh condemnation and judgment to himself, making no difference of the Lord's body. (5) The institution of which sacrament being ordained by Christ, as is before said, and the said words spoken of it here before rehearsed, being of eternal, infallible and undoubted truth: yet the said sacrament (all this notwithstanding) hath been of late marvellously abused by such manner of men before rehearsed, who of wickedness, or else of ignorance and want of learning, for certain abuses heretofore committed of some, in misusing thereof, have condemned in their hearts and speech the whole thing, and contemptuously depraved, despised or reviled the same most holy and blessed sacrament, and not only disputed and reasoned unreverently and ungodly of that most high mystery, but also in their sermons, preachings, readings, lectures, communications, arguments, talks, rhymes, songs, plays or jests, name or call it by such vile and unseemly words, as christian ears do abhor to hear rehearsed: (6) for reformation whereof, be it enacted by the King's highness, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament

(a) 2 Cor. 11. 20. (b) 1 Cor. 10. 21. (c) 1 Cor. 10. 16. (d) 1 Cor. 10. 26, 17. (e) Mat. 26. 26. (f) Luke 22. 19. (g) 1 Cor. 11. 24. (h) Mat. 26. 27. (i) Mar. 14. 23. (k) Mar. 14. 24. (l) Luke 22. 19. (m) Mar. 14. 24. (n) Mat. 26. 28. (o) 1 Cor. 11. 29. (p) 1 Cor. 11. 26.

liament assembled, and by the authority of the same, That whatsoever person or persons, from and after the first day of *May* next coming, shall deprave, despise or contemn the said most blessed sacrament, in contempt thereof, by any contemptuous words, or by any words of depraving, despising or reviling; or what person or persons shall advicedly in any otherwise contemn, despise or revile the said most blessed sacrament, contrary to the effects and declaration abovesaid: that then he or they shall suffer imprisonment of his or their bodies, and make fine and ransom at the King's will and pleasure. (7) and for full and effectual execution of the premises before devised, ordained and enacted by this act, be it furthermore enacted by the authority of this present parliament, That immediately after the first day of *May* next coming, the justices of peace, or three of them at the least, whereof one of them to be of the *quorum*, in every shire of this realm, and *Wales*, and all other places within the King's dominions shall have full power and authority by virtue of this act, as well to take information and accusation by the oaths and depositions of two able, honest and lawful persons at the least, (8) and after such accusation or information so had, to enquire by the oaths of xii. men, in every of their four quarter-sessions yearly to be holden, of all and singular such accusations or informations to be had or made of any of the offences abovesaid, to be committed or done after the said first day of *May*, within the limits of their commission: (9) and that upon every such accusation and information, the offender and offenders shall be enquired of, and indicted before the said justices of peace, or three of them at the least, as is abovesaid, of the said contempts and offences, by the verdict of twelve honest and indifferent men, if the matter of the said accusation and information shall seem to the said jury good and true.

Justices of peace may enquire of offenders.

II. And it is also further enacted by the authority abovesaid, That the said justices of peace, or three of them at the least, as is abovesaid, before whom any such presentment, information and accusation shall be made or taken as is abovesaid, shall examine the accusers, what other witnesses were by and present at the time of the doing and committing of the offence, whereof the information, accusation and presentment shall be made, and how many others than the accusers have knowledge thereof, (2) and shall have full power and authority by their discretions to bind by recognizance to be taken before them, as well the said accusers, as all such other persons whom the said accusers shall declare to have knowledge of the offences by them presented and informed, every of them in five pounds to the King, to appear before the said justices of peace, before whom the offender or offenders shall be tried at the day of trial and deliverance of such offenders.

Examination of the accusers.

III. And it is further enacted by the authority abovesaid, That the said justices of peace or three of them at the least, as is abovesaid, by virtue of this act, shall have full power and authority to make process against every person and persons so indicted, by two *capias* and an exigent, and by *capias utlagatum*, as well within the

12 Co. 103. What process shall be awarded against the persons indicted.

Justices of  
peace may de-  
termine the  
offences.

Bailment of  
persons indict-  
ed.

A writ direct-  
ed by the jus-  
tices to the  
bishop.

No indictment  
but within  
three months  
after the of-  
fence.

• Examined.

The defend-  
ant may try  
his innocence  
by witnesses.

limits of their commission, as into all other shires and places of this realm, *Wales* and other the King's dominions, as well within liberties as without, and the same process to be good and effectual in the law to all intents, constructions and purposes; (2) and upon the appearance of any of the offenders, shall have full power and authority by virtue of this act and the commission of peace to determine the contempts and offences aforesaid according to the laws of this realm and the effects of this act: (3) and that the said justices of peace, or three of them at the least, as is abovesaid, shall have full power and authority to let any such person or persons so indicted upon sufficient sureties, by their discretions, to bail for their appearance to be tried, according to the tenor, form and effect of this act.

IV. Provided always, and be it enacted, That the said justices of peace, or three of them at the least, at their quarter-sessions, where any offender or offenders shall be or stand indicted of any of the contempts or offences abovesaid, shall direct and award one writ in the King's name to the bishop of the diocese where the said offence or offences be supposed to be committed or done, willing and requiring the said bishop to be in his own person or by his chancellor, or other his sufficient deputy learned, at the quarter-sessions in the said county to be holden, when and where the said offender shall be arraigned and tried, appointing to them in the said writ the day and place of the said arraignment; (2) which writ shall be of this form: *Rex &c. Episcopo L. salutem. Præcipimus tibi quod tu, Cancellarius tuus, vel alius deputatus tuus sufficienter eruditus, sis cum iustis nostris ad pacem in com. nostro B. conservand. assignat. apud D. tali die, ad sessionem nostram, ad tunc et ibi. tenend. ad dand. consilium et advisament. eisdem iusticiariis nostris ad pacem, super arranament. et deliberationem offendent. contra form. Statuti concernen. sacrosanct. sacramentum altaris.*

V. Provided always, and be it enacted by the authority aforesaid, That no person or persons shall be indicted of any of the contempts or offences abovesaid, but only of such contempts or offences as shall be done or perpetrated within three months next after the said offence or offences so committed or done.\*

VI. And be it further enacted by the authority aforesaid, That in all trials, for any such offenders before the said justices, as is aforesaid, the person or persons being complained on and arraigned, shall be admitted to purge or try his or their innocence, by as many or more witnesses in number, and of as good honesty and credence, as the witnesses be which deposed against him or them or any of them.

VII. And forasmuch as it is more agreeable, both to the first institution of the said sacrament of the most precious body and blood of our Saviour Jesus Christ, and also more conformable to the common use and practice both of the apostles and of the primitive church by the space of 500 years and more after Christ's ascension, that the said blessed sacrament should be ministered to all christian people under both the kinds of bread and wine, than under the form of bread only: (2) and also it is more agreeable to the first institution of Christ, and to the usage

of the apostles, and the primitive church; that the people being present should receive the same with the priest, than that the priest should receive it alone: (3) Therefore be it enacted by our said sovereign lord the King, with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said most blessed sacrament be hereafter commonly delivered and ministered unto the people within the church of *England and Ireland*, and other the King's dominions, under both the kinds, that is to say, of bread and wine, except necessity otherwise require: (4) And also that the priest which shall minister the same, shall, at the least one day before, exhort all persons which shall be present likewise to resort and prepare themselves to receive the same. (5) And when the day prefixed cometh, after a godly exhortation by the minister made, (wherein shall be further expressed the benefit and comfort promised to them which worthily receive the said holy sacrament, and the danger and indignation of God threatned to them which shall presume to receive the same unworthily, to the end that every man may try and examine his own conscience before he shall receive the same) (6) the said minister shall not without a lawful cause deny the same to any person that will devoutly and humbly desire it; any law, statute, ordinance or custom contrary thereunto in any wise notwithstanding, not condemning hereby the usage of any church out of the King's majesty's dominions. 5 & 6 Edw. 6. c. 1. repealed by 1. Ma. sess. 2. c. 2. and revived by 1 Eliz. c. 1. f. 14.

The blessed sacrament shall be delivered unto the people under both kinds of bread and wine.

The usage of other churches not condemned.

## CAP. II.

### *An act for the election of bishops.*

**F**ORASMUCH as the elections of archbishops and bishops by the deans and chapters within the King's majesty's realms of *England and Ireland*, at this present time, be as well to the long delay, as to the great costs and charges of such persons, as the King's majesty giveth any archbishoprick or bishoprick unto: (2) and whereas the said elections be in very deed no elections, but only by a writ of Conge d'eslire, have colours, shadows or pretences of elections, serving nevertheless to no purpose, and seeming also derogatory and prejudicial to the King's prerogative royal, to whom only appertaineth the calling and gift of all archbishopricks and bishopricks, and suffragan bishops within his Highness said realms of *England and Ireland, Wales, and other his dominions and marches, &c.* Elections of bishops belong only to the King. None but the King shall collate to a bishoprick. A bishop collated by the King shall pay the usual fees. All processes ecclesiastical shall be in the King's name, but the teste in the bishop's name. Every bishop's, &c. seal of office shall have the King's arms engraven upon it. Usual fees shall be taken. The archbishop of Canterbury may use his own seal. In what cases other bishops may use their own seals, 31 H. 8. c. 45. Certificates into a court of record shall be in the King's name, teste the bishop. Repealed by 1 Eliz. c. 1. and 8. Eliz. c. 1. which require 25 H. 8. c. 20.

## C A P. III.

*An act for the punishing of vagabonds, and for the relief of the poor and impotent persons.*

**F**ORASMUCH as idleness and vagabondry is the mother and root of all thefts, robberies, and all evil acts, and other mischiefs, and the multitude of people given thereto hath always, been here within this realm very great, and more in number (as it may appear) than in other regions, to the great impoverishment of the realm and danger of the King's highness subjects; the which idleness and vagabondry all the King's highness noble progenitors, Kings of this realm, and this high court of parliament hath often and with great travel gone about and assayed with godly acts and statutes to repress; yet until this our time it hath not had that success which hath been wished, but partly by foolish pity and mercy of them which should have seen the said godly laws executed, partly by the perverse nature and long accustomed idleness of the persons giving to loitering, the said godly statutes hitherto have had small effect, and idle and vagabond persons being unprofitable members, or rather enemies of the common wealth, have been suffered to remain and increase, and yet so do, whom if they should be punished by death, whipping, imprisonment, and with other corporal pain, it were not without their deserts, for the example of others, and to the benefit of the common wealth, yet if they could be brought to be made profitable, and do service, it were much to be wished and desired: be it, &c.

**Vagabonds.**

A repeal of all statutes heretofore made for the punishment of vagabonds, and of all articles comprised in the same. (2) If any person shall bring to two justices of peace, any runagate servant, or any other which liveth idly and loiteringly; by the space of three days, the said justices shall cause the said idle and loitering servant or vagabond, to be marked with an hot iron on the breast, with the mark of V. (3) and adjudge him to be slave to the same person that brought or presented him, to have to him, his executors or assigns, for two years after, who shall take the said slave, and give him bread, water or small drink, and refuse meat; and cause him to work, by beating, chaining or otherwise, in such work and labour as he shall put him unto, be it never so vile: (4) and if such slave absent himself from his said master, within the said term of two years, by the space of fourteen days, then he shall be adjudged by two justices of peace to be marked on the forehead, or the ball of the cheek, with an hot iron, with the sign of an S. and further shall be adjudged to be slave to his said master for ever: (5) and if the said slave shall run away the second time, he shall be adjudged a felon. (6) No clerk convict shall make his purgation, but shall be a slave for one year to him who will become bound with two sureties, in twenty pound to the ordinary, to the King's use, to take him into service: and he shall be used in all respects, as is aforesaid like to a vagabond. (7) A clerk attainted or convict, which by the law cannot make his purgation, may by the ordinary be delivered to any man who will become bound with two sufficient sureties to keep him as his slave five years: and then he shall be used in all respects as is aforesaid for a vagabond, saving for burning in the breast. (8) It shall be lawful to every person to whom any shall be adjudged a slave, to put a ring of iron about his neck, arm or leg. (9) A justice of peace and constable may bind a beggar's man-child apprentice to the age of fourteen years, and a woman-child to the age of twenty years, to any that will require them. (10) And if the said child run away, then his master may retain and use him for the term

term aforesaid, as his slave. (11) All impotent, maimed and aged persons, who cannot be taken for vagabonds, shall have convenient houses provided for them, and otherwise be relieved in the cities, boroughs or towns where they were born, or were most conversant by the space of three years, by the willing and charitable dispositions of the parishioners: and none other shall be suffered to beg there. Rep. 3 & 4 Ed. 6. c. 16. & 39 El. c. 4.

## CAP. IV.

An act for tenures holden in *Capite*. Lands coming to the King's hand, by attainder, dissolution or surrender, &c. shall not be holden in *Capite*. Tenure of the King as of his person, or ancient possessions. Conclusion of tenure by matter of record. 9 H. 3. stat. 71. C. 31. 1 Ed. 3. stat. 2. C. 13. Rep. 12 Car. 2. c. 24.

## CAP. V.

*An act for not conveying horses out of this realm.*

**W**HERE before this time divers of the King's subjects, and namely of the north parts of this realm, as well in time of peace as of war, have conveyed, sold, given and delivered out of this realm as well into Scotland, as into other foreign realms beyond the sea, many and divers great multitudes of horses, geldings and mares, which have been thought as well great occasion, strength and boldness to the Scottish men, and other the King's foreign enemies, having in possession the same horses, geldings and mares in time of war to invade this realm, as also a great decay of the good breed of horses and mares, which before time hath been within this realm, to the great detriment and hindrance of the King's poor subjects, towards the defence of this realm, and other his dominions: (2) For remedy whereof, be it therefore enacted by our sovereign lord the King, and by the commons in this present parliament assembled, and by the authority of the same, That if any person or persons, after the first day of January next coming, do sell, exchange, give, convey or deliver into the realm of Scotland, to the use of any Scottish man, (3) or do carry, give, exchange, sell, fend, convey, or deliver into any place beyond the sea, out of this realm, or the dominions, of the same, any horse, gelding or mare, without special licence therefore to be obtained of the King's highness, or of his heirs, under the great seal of this realm, or under the privy signet: (4) Or if any person or persons after the said first day of January do sell, exchange, give or deliver to any Scottish man within this realm of England or Wales, the town of Berwick, or the marches of the same, to the intent to be conveyed into Scotland, any horse, gelding or mare, (5) or do convey or carry, any horse, mare or gelding into any foreign parts beyond the sea, without like special licence obtained of the King's highness, or of his heirs, under the great seal or privy signet, as is aforesaid: (6) That then the same person and persons so offending contrary to this act, shall lose and forfeit to our sovereign lord and his heirs, the same horse, mare or gelding so carried and conveyed; (7) and also shall lose and forfeit the sum of forty pound, for every such horse, gelding or mare so to be conveyed and carried

None may convey horses out of England without licence.

The penalty of conveying of horses into Scotland, or other foreign countries without the King's licence.

23 H. 8. c. 16. 1 El. c. 7. 4 Jac. 1. c. 1.

In form aforesaid : whereof the one moiety to be to the King; and the other moiety to him or them that will sue for the same by information, action of debt or detinue, in any of the King's courts of record ; in which suit no wager of law, essoin ne protection shall be allowed. (8) And that also all and every person and persons so offending contrary to this act, shall suffer imprisonment by the space of one whole year.

The wardens in their courts and justices of peace may enquire of offenders.

II. And be it further enacted by the authority aforesaid, That it shall be lawful, as well to the warden and wardens of the east, west and middle marches for the time being, in their warden courts, as also to all and every the King's justices of the peace in every shire, as well in *England* as in *Wales*, in their quarter-sessions, to enquire of all and every offence or offences hereafter to be perpetrated, committed or done contrary to this act: (2) and that it shall be lawful to all and every person or persons, being the King's subjects, to arrest and imprison every *Scottish* man, and all and every other person or persons, which shall lead or convey, contrary to the meaning of this act, any such horse, gelding, or mare, out of this realm into the said realm of *Scotland*, or into any other foreign place beyond the sea, other than such persons as hereafter shall have sufficient warrant, by or from the King's highness, or his heirs, under his or their great seal or privy signet, according to the meaning of this act.

The King's licence to transport horses, and licence to give licence.

III. Provided always, and be it enacted by the authority aforesaid, That if the King our sovereign lord, his heirs or successors, at any time hereafter, under his great seal or privy signet, do give licence to any person or persons, to carry or convey any horses, mares or geldings into *Scotland*, or into any parts beyond the sea, or else do give authority, power or commandment to any person or persons by warrant under the King's great seal, to licence any other person or persons to carry and convey any horses, mares or geldings into *Scotland*, or into any parts beyond the sea : That then it shall be lawful, as well to all and singular person and persons, having such licence under the King's great seal or privy signet, as to all and every other person and persons having licence in writing, under the seal of such person or persons to whom the King shall give authority, power or commandment in form abovesaid, to licence other person or persons to carry or convey any horses, mares or geldings into *Scotland*, or into any parts beyond the sea, to carry and convey such number of horses, geldings or mares, or any of them, into *Scotland*, or into any of the parts beyond the sea, as shall be mentioned in any such licence, as is before specified : any thing mentioned in this act to the contrary in any wise notwithstanding.

Carrying of horses to serve the King in his wars.

IV. Provided always, and be it enacted by the authority aforesaid, That this act, ne any thing therein contained, shall in any wise extend to any person or persons, which at any time hereafter shall carry or convey any horse, mare or gelding into *Scotland*, or into any other foreign parts beyond the sea, to serve the King in his wars,

wars, with the same horses mares or geldings; any thing mentioned in this act to the contrary in any wise notwithstanding.

V. And to the intent the King's majesty shall not hereafter be deceived in the number of such horses, mares or geldings, which hereafter shall be carried and conveyed into *Scotland*, ne that the parties which hereafter shall obtain any licence by force of this act, for the carriage or conveyance of any horses, mares or geldings to be carried or conveyed into *Scotland*, (2) Be it therefore enacted by the authority aforesaid, That all and every such person and persons which hereafter shall be licenced according to this act, to carry or convey any horses, mares or geldings into *Scotland*, shall before the same carriage or conveyance, upon the pain or forfeiture of the said horse, mare or gelding, or the double value thereof, (whereof the one moiety to be to the King, and the other moiety to him or them that will sue for the same by such like action, as before is limited in this act) shew his or their said licence to one of the three wardens of the three marches of *England* to the intent that one of the said wardens shall cause the number of the said horses, mares or geldings so licenced to be conveyed into *Scotland*, not only to be kalendered in a book, to remain in his own custody, but also to be endorserd and written on the back-side of the said licence, and the same endorserment to be signed with the hand of the said warden.

Licences shall be shewed to the wardens of the marches.

VI. Provided always, That it shall be lawful to every of the King's subjects that shall pass over beyond the sea, to ship or carry with them horses or geldings, for their only occupation in their journeyes, and not to the intent to sell the same beyond the sea: (2) And that intent to be judged by the oath of him or them that so will carry over any horse or gelding: which oath shall be taken before the customers or their deputies, or searcher of every such port where the same horse or gelding shall be shipped, before the shipping thereof.

Every person that goeth beyond the sea may take a horse with him for his own use.

Repealed by 5 El. c. 19.

VII. Provided always, That the warden of the five ports now being, or hereafter to be, may yearly at his pleasure give six horses or geldings, and no more, within one year, at one or divers times, upon like pain as is aforesaid, to any person or persons, in the parts beyond the seas, being in amity with the King's highness, or his successors; this act, or any thing therein to the contrary notwithstanding.

The warden of the five ports may give certain horses.

VIII. Provided also, That this act nor any thing therein mentioned, be in any wise hurtful or prejudicial to the master of the King's horses, now and hereafter to be, for such things and commodities as shall and do concern his office; any thing in this act to the contrary notwithstanding.

The master of the King's horses.

IX. Provided also, That it shall be lawful to any of the King's subjects to carry or send into any parts beyond the sea, any mares, whereof the price of any one mare so to be carried doth not exceed ten shillings, in such and like manner as mares being of the price of six shillings eight pence, have been or might have been

Transporting a mare not exceeding 2s. in price.  
11 H. 7. c. 13.

been conveyed over the seas before the making of this act; any thing in this act, or in any other act or acts heretofore made to the contrary hereof notwithstanding.

## CAP. VI.

*The bill for the continuance of making of worsted yarn in Norfolk.*

How and by whom worsted yarn is to be made in Norfolk.

By the statute of 37 H. 8. c. 15. all persons restrained to buy wool to sell again, except, &c.

Every person dwelling in Norwich or Norfolk may buy and sell again Norfolk wool in open market, notwithstanding the statute of 37 H. 8. c. 15.

**W**HERE the greatest and almost the whole number of the poor inhabitants of the county of Norfolk and the city of Norwich be and have been heretofore for a great time maintained and gotten their living by spinning of the wools growing in the said county of Norfolk, upon the rock into yarn, and by all the said time have used to have their access to common markets within the said county and city, to buy their wools there to be spun, as is aforesaid, of certain persons called retailers of the same wools, by eight penny worth or twelve penny worth at one time, or thereabout, and have not used to buy, ne can buy their said wools of the breeders of the same wools by such small parcels, as well for that the said breeders of the said wools will not sell their said wools by such small parcels, as also for that the most part of the said poor persons dwell far off from the said breeders of the said wools: (2) and forasmuch as by an act of parliament made in the thirty-seventh year of the reign of the noble King of famous memory, Henry the Eighth, all persons be restrained upon a great pain to buy any wools to sell the same again, except merchants of the staple, for the only provision of the staple, as in the said act, among other things, more at large it is contained: therefore the said retailers of wools in the said county of Norfolk and city of Norwich, which heretofore have used to buy wools and to sell them again to the said poor persons in overt markets as is aforesaid, have, since the making of the said statute, in eschewing the danger and pain provided by the same, ceased and left to buy the said wools, for the relief of the said poor persons: by reason whereof, the same poor persons inhabiting within the said county of Norfolk and city of Norwich, that have heretofore been spinners, and maintained by spinning of the said wools, be now unoccupied and unset a work, and a great number of them enforced to beg for lack of work, to the utter decay and ruin of the poor people of the said county and city, and the inhabitants thereof, unless some remedy be therein provided. (3) In consideration whereof, it may please the King's most royal majesty, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all and every person and persons dwelling and inhabiting within the said county of Norfolk and city of Norwich, or in either of them, by him or themselves, or by his or their factors, servant or servants, may lawfully from henceforth, without pain, forfeiture, danger or breach of any law or ordinance, to buy and bargain wools, and take and make provision to buy and bargain wools, growing or that shall grow only within the said county of Norfolk, in as large and like manner and form, as the same inhabitants

inhabitants within the said county and city might and did use to do before the making of the said act of parliament, and as if the said act of parliament had never been had or made, so that the same person and persons so buying or bargaining, or taking promise to buy or bargain the said wools, do sell or retail the same again in the common market, or other open place, within the said county of *Norfolk*, or city of *Norwich*, to any person and persons at their pleasure and liberty that will buy the same, or any parcel thereof, dwelling and inhabiting within the said county and city of *Norwich*, or any of them, that shall or will spin the same within the said county of *Norfolk*, and the city of *Norwich*, or any of them; the said former act or any article, clause or sentence therein contained, or any other act or acts, law or ordinance heretofore made to the contrary thereof in any wise notwithstanding.

II. And where in the parliament holden at Westminster the three and thirtieth year of the reign of our said late sovereign lord the King, it was amongst other things enacted thus as ensueth, or like in effect, that is to say, That no person or persons from henceforth should buy, no cause to be bought, within the said city of *Norwich* or county of *Norfolk*, any yarn spun of the rock, called worsted yarn, the which should then after that be spun within the said county or city, but such person or persons being weavers of worsted, russels, flamins, says and such other like clothes within the said city or county, that should weave or work, or cause to be woven or wrought in worsted, flamine, russels, says and such other like clothes, the said yarn so bought or caused to be bought within the said city or county, in the said city of *Norwich*, or in some market-town within the said county: (2) upon the pain and forfeiture, for every pound weight of the said yarn called worsted yarn, so bought within the said county or city, and not woven or wrought, as is aforesaid, within the said city or county, forty shillings; the one half thereof to be to the King our sovereign lord, and the other half thereof to be to him or them that should then after that sue for the same by bill, information, action of debt, or otherwise in any court of record; in which said action, bill or information, no essoin, wager of law, foreign plea or protection should be allowed.

33 H. 2. c. 16.  
Who may buy  
worsted yarn  
spun in Nor-  
wich, or Nor-  
folk, and who  
not.

III. And where it is also ordained in the said act, That if any person or persons did after the first day of April then next after the said act ensuing, ship or carry, or convey, or cause to be shipped to carry or convey, into the parts beyond the sea, or did carry or convey into the parts beyond the sea, any yarn called worsted yarn, not made or wrought in cloth, so that such yarn were spun within this realm, that then every person and persons so shipping, conveying and carrying, or causing such yarn so to be shipped, carried and conveyed, should forfeit for every pound of worsted yarn so shipped, conveyed or carried, forty shillings; the one half thereof to be to our said sovereign lord the King, and the other half thereof to him or them that should sue for the same by bill, information or action of debt, in any of the King's courts of record, as in the said act, the same or the like in effect, more plainly doth and may appear. (2) And forasmuch

No worsted  
yarn not made  
into cloth  
shall be trans-  
ported.

The statute of  
33 H. 8. c. 16.  
rehearsed and  
made per-  
petual,

*asmuch as the said act was made and ordained to continue and endure until the parliament then after that next ensuing, and hath been sithence by other general acts continued until this present parliament, and was not by any of the said acts ordained to continue for ever: It may now please the King's most excellent Majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all the afore recited acts for yarn, with all the words, forfeitures, pains and sentences before recited, as the same is before recited and declared, may from henceforth be enacted to continue and to be taken for an act to continue for ever, to all intents and purposes, according to the said words, sentences and the purport thereof before in this act recited.*

Hat-makers  
may buy  
middle-wuffe  
yarn.

IV. Provided always, That it shall be lawful to every person and persons, being a hat-maker or hat-makers, dwelling within the said city of *Norwich*, to buy such of the said worsted yarn as is called and known by the name of middle-wuffe yarn, as they and every of them have heretofore done and used to do, so that the same middle-wuffe yarn so bought by the said hat-maker or hat-makers be wrought in hats, or employed to hat-making, within the said city; any thing before recited to the contrary thereof notwithstanding. 5 & 6 Ed. 6. c. 7.

### C A P. VII.

*The continuation of actions after the death of any King.*

Hutt. 82.  
The death of  
the King shall  
not discon-  
tinue any  
suit, &c.  
3 Bulst. 314.

**W**HERE the King's subjects heretofore have to their great costs, charges and expences prosecuted and sued divers and sundry actions, as well real and personal, as all other actions mixt or otherwise, in the King's majesty's courts, and other courts of record, not only by writs, but also by plaint or bills; which actions, suits, bills and plaints by the death or demise of the Kings of this realm have been discontinued; (2) and the parties in every such actions, suits, bills and plaints, thereby have been put without day, whereby the demandants, plaintiffs and actors in every such action and suit, were compelled and driven by the order of the laws of this realm, for their further remedy, to commence and begin again bis or their said actions, suits or plaint, or else to prosecute and sue resummons, attachments, Scire facias, or such other like process, to revive bis or their said actions, suits or plaints; (3) which was not only to their great costs, charges, expences, hindrances and delay of their causes and suits, but also a great let and hindrance of justice: (4) For reformation whereof, be it ordained, established and enacted by the King our sovereign lord, and the lords and commons in this present parliament assembled, and by the authority of the same, That from thenceforth by the death or demise of the King's majesty that now is, (whose life Almighty GOD long preserve, keep and maintain in his most royal estate) nor by the death or demise of any that hereafter shall be King of this realm,

realm, any action, suit, bill or plaint, now or that hereafter shall depend between party and party, in any of the courts aforesaid, shall not in any wise be discontinued or put without day: (5) but that the process, pleas, demurrers and continuances in every action, actions, suits, bills or plaints, which now or that hereafter shall depend, shall stand good and effectual, and be prosecuted and sued forth, in such manner and form, and in the same estate, condition and order, as if the same King had lived or continued in full life, the death or demise hereafter of any King of this realm notwithstanding.

Dyer 165.

7 Co. 30.

Cro. Car. 10.

(6) And that all and all manner of judicial process, that hereafter shall be had or pursued in the time of the reign of any other King, then reigning at the time of the pursuit of the original or former process, shall be made in the name of the King that for the time shall reign and be King of this realm, and that variance touching the same process between the names of the Kings shall not be in any wise material, as concerning any default to be alledged or objected therefore.

The variance between the original and judicial process shall not be prejudicial.

II. And also be it further established and enacted by the authority aforesaid, That all and every assize of *Novel disseisin*, assize of *Mortdancester*, *juris utrum* and attaint, which at any time hereafter shall be arraigned, commenced or sued before any of the King's justices of assize, shall not from henceforth be discontinued, or put without day, by reason of death, new commission, association or not coming of the same justices of assize, or any of them; but shall stand good and effectual in the law, to all intents, constructions and purposes, the death, new commission, association or not coming of the same justices, or any of them, in any wise notwithstanding.

Suits not discontinued by death, new commission, or association, or not coming of justices.

III. And over that, be it ordained and enacted by the authority aforesaid, That albeit any demandant or plaintiff in any manner of action, bill or suit, shall fortune to be made or created duke, archbishop, marquiss, earl, viscount, baron, bishop, knight, justice of the one bench or of the other, or serjeant at the law, depending the same action, bill or suit, yet that notwithstanding, that no writ, action or suit shall for such cause in any wise be abatable or abated, but shall remain in like force goodness and strength as the same was before; any law or usage to the contrary in any wise notwithstanding.

Cro. Car. 104. Preferment of the plaintiff to a name of dignity.

IV. And also be it ordained and enacted by the authority aforesaid, That albeit any person or persons, being justice of assize, justice of gaol-delivery, or justice of peace, within any of the King's dominions, or being in any other of the King's commissions whatsoever, shall fortune to be made or created duke, archbishop, marquiss, earl, viscount, baron, bishop, knight, justice of the one bench or of the other, serjeant at law or seriff, yet that notwithstanding, he and they shall remain justice and commissioner, and have full power and authority to execute the same, in like manner and form as he or they might or ought to have done before the same.

Preferment of a justice or commissioner to a name of dignity.

Altered as to Sheriffs by 1 M. sess. 2. c. 3.

New justices may give judgment of a prisoner found guilty of felony and reprieved.  
4 Inst. 691.

V. And be it ordained and enacted by the authority aforesaid, That in all cases where any person or persons heretofore have been, or hereafter shall be, found guilty of any manner of treason, murder, manslaughter, rape or other felony whatsoever, for the which judgment of death should or may ensue, and shall be reprieved to prison without judgment at that time given against him, her or them so found guilty, that those persons that at any time hereafter shall by the King's letters patents be assigned justices to deliver the gaol where any such person or persons found guilty shall remain, shall have full power and authority to give judgment of death against such person so found guilty and reprieved, as the same justices (before whom such person or persons was or were found guilty) might have done, if their commission of gaol-delivery had remained and continued in full force and strength.

Bro. Commis.

11. No suit before justices shall be discontinued by a new commission.

11 H. 6. c. 6.  
2 & 3 Ph. & M.  
c. 18.

VI. And over that, That no manner of process or suit made, sued or had before any justices of assize, gaol-delivery, *Oyer* and *Terminer*, justices of peace, or other of the King's commissioners, shall ne in any wise be discontinued by the making and publishing of any new commission or association, or by altering of the names of the justices of assize, gaol-delivery, *Oyer* and *Terminer*, justices of peace, or other the King's commissioners, (2) but that the new justices of assize, gaol-delivery and of the peace, and other commissioners, may proceed in every behalf, as if the old commissions and justices and commissioners had still remained and continued not altered.

## C A P. VIII.

*An act for the confirmation of letters patents.*

Letters patents made by the King since xxviii. Januarii last, or to be hereafter made of any manors, &c. notwithstanding any misnaming or misrecital, &c. confirmed.

WHERE the King's most excellent highness sithen the xxviii. day of January in the first year of his Majesty's reign, as well upon divers and sundry good considerations, his Majesty specially moving, as also otherwise, hath bargained, sold, exchanged, given, restored, and granted by his Grace's several letters patents, indentures or other writings sealed under his Highness great seal of England, the seal of his duchy of Lancaster, and the seal of the court of augmentations and of the revenues of his crown, or any of them, as well to bodies politick and corporate, as to divers and sundry of his loving and obedient subjects, divers and sundry honours, castles, manors, lands, tenements, rents, reversions, services, parsonages appropriated, advowsons, tithes, oblations, pensions, portions, franchises, privileges, liberties and other hereditaments, commodities and profits in fee-simple, fee-tail, for term of life or lives, or for term of years, as in the same several letters patents, indentures and other writings is mentioned and declared: (2) in avoiding, disturbing, hurting or hindering of the said several letters patents, indentures and other writings, and of the said manors, lands, tenements, hereditaments, and other things in them contained, sundry and many ambiguities, doubts and questions have or might hereafter happen to be moved, objected, alledged, invented, procured or stirred, as well for mis-naming,

mis-naming, mis-recital or non-recital of any of the same honours, castles, manors, lands, tenements, and other the premisses, or any parcel thereof: (3) or for lack of finding of offices, or inquisitions of and in the premisses, whereby the title of the King's highness therein ought to have been found before the making of the same letters patents or other writings: (4) or for mis-recital, or non-recital of leases thereof before made, as well of record as not of record; (5) or for lack of the certainty, mis-casting, rating or setting forth of the yearly values and rates of the premisses, or of the yearly rents reserved of and for the premisses, or any parcel thereof, mentioned or contained in any of the said letters patents or other writings; (6) or for that the premisses be, or any part thereof is valued to a more or less value in the said letters patents or writings, than the said honours, manors, lands, tenements and other the premisses then were or shall be in yearly value; (7) or for mis-naming of the towns, hamlets, parishes or counties where the same honours, castles, manors, lands, tenements, rents, hereditaments and other the premisses, and every parcel thereof, or any parcel thereof lien or been; (8) or for lack of the true naming of the natures, kinds, sorts and quantities of the said possessions or hereditaments, or any parcel thereof; (9) or for lack of the true naming of the corporation of the same bodies politick or corporate; (10) or for lack of attornment, livery or seisin; (11) or for mis-naming of any of the late tenants or fermors of the same premisses so sold, given, granted or exchanged; (12) as for divers and sundry other suggestions and surmises, not comprised in the said letters patents, which hereafter might happen to be moved, surmised or procured against the same letters patents, &c. EXP.

not be contained in the letters patents and particulars. 7 E. 6. c. 3.

## CAP. IX.

### The bill for the city of York.

**W**HERE in the ancient city of York and suburbs of the same there are many parish churches, which heretofore the same churches being well inhabited and replenished with people were good and honest livings for learned incumbents, by reason of the privy tithes of the rich merchants, and of the offerings of a great multitude; which livings be now so much decayed by the ruin and decay of the said city and of the trade of merchandise there, that the revenues and profits of divers of the same benefices are at this present not above the clear yearly value of six and twenty shillings and eight pence; (2) so that a great sort of them are not a competent and honest living for a good curate; yea, and no person will take the cure, but that of necessity there is some chantry priest, or else some late religious person being a stipendiary, taken and appointed to the said cure and benefice, which for the most part are unlearned and very ignorant persons, not able to do any part of their duties; by reason whereof the said city is not only replenished with blind guides and pastors, but also the people much kept in ignorance, as well of their duties towards God, as also towards the incum.

bents of the churches pulled down.

By whom the first fruits, and

towards the King's majesty and the common wealth of this realm, and to the great danger of their souls, &c.

tenth to the King shall be paid, and how levied. Who shall pay the according to what value.

### CAP. X.

*The bill for exigents and proclamations in Wales, and in the county palatine of Chester.*

**W**HERE in the high court of parliament holden at Westminster in the seven and twentieth year of the most prosperous reign of the late famous King Henry the Eighth, by the assent of the lords spiritual and temporal, and the commons, assembled in the said high court of parliament, it was enacted and established by authority of the same parliament, That his Highness dominion and principality of Wales, and all manors, lands, tenements, and other dominions within the said dominion and principality of Wales, should be divided into twelve shires or counties, that is to say, the shires or counties of Glamorgan, Radnor, Brecknock, Caermarthen, Pembroke, Cardigan, Merioneth, Montgomery, Flint, Caernarvan, Anglesey and Denbigh; (2) in every of which said counties and shires, amongst the officers yearly appointed, it was then ordained, that there should be distinct and several sheriffs yearly; (3) and also where the counties palatine of Chester, and of the city of Chester, be ancient and several counties palatine of themselves, in all which said counties the King's writ hath not nor yet doth run; so that the proclamation awarded upon any exigent against any person or persons in any action wherein process of outlawry doth lie, according to the statute made in the sixth year of the reign of the said late King, cannot be directed unto the sheriff or sheriffs of any of the said shires or counties, but unto the sheriff of the county next adjoining: (4) so that the party dwelling in any of the said shires or counties against whom any such exigent and proclamation shall be so awarded, shall not, nor can have any knowledge of the same suit or process, by reason whereof many of the persons inhabiting in the said shires and counties, without knowledge or cause of suit, have been wrongfully and unjustly outlawed to their utter undoing:

27 H. 8. c. 26.

Exigents and proclamation shall be awarded out of the King's bench and common pleas against any person dwelling in Wales or Chester.

6 H. 8. c. 4.

II. Be it therefore, and for divers other good considerations, by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, enacted, ordained and established, That if and whensoever any writ of exigent, at any time after the first day of April next coming, shall be awarded at the suit of the King, or of any other person or persons, plaintiff or plaintiffs in any action or suit in any of the courts of our said sovereign lord the King, his heirs or successors, commonly called the King's bench and the common place, against any person or persons dwelling in any of the aforesaid counties in Wales, or in the said counties palatine of Chester, or of the city of Chester, or in any of them, that then immediately upon the awarding of every such exigent, the justice or justices before

before whom any such writ of *exigent* upon such suit or action shall be sued, shall have full power and authority to award one writ of proclamation according to the tenor and effect of proclamations awarded upon *exigents*, and directed out of any of the said courts into *London* against any person dwelling in any other shire where the King's writ is current, according to the order and form of the said statute made in the said sixth year of the said late King, to be directed to such of the aforesaid sheriffs of any of the aforesaid counties in *Wales*, and of the counties palatine of *Chester*, and of the city of *Chester* for the time being, where it shall happen the said defendant, against whom any such action shall be sued as is aforesaid, to be dwelling: (2) And that every such writ of proclamation shall have the same *teste* and day of return, as the *exigents* whereupon every such writ of proclamation shall be awarded shall have; (3) and that every such sheriff to whom any such writ of proclamation shall be directed, shall make proclamation of the said writ of proclamation according to the tenor of the same, and shall make true return of the same in such court, and before such justices, as the tenor of the same writ shall require and demand. (4) And that all outlawries hereafter to be promulged or pronounced against any person or persons upon any such *exigent* or *exigents* awarded against any person or persons dwelling in any of the said counties of *Wales*, and in the counties palatine of *Chester*, and of the city of *Chester*, and no writ of proclamation awarded in form aforesaid to the sheriff or sheriffs of the county where the party defendant shall be as is aforesaid dwelling, or not returned, to be clearly void and of none effect or force in the law.

III. And be it further enacted by the authority aforesaid, That all and every sheriff and sheriffs of every of the said counties of *Wales*, and of the counties palatine of *Chester*, and of the city of *Chester* aforesaid, shall have in every of the said courts of the King's bench and of the common place one sufficient deputy at the least, to receive all writs directed to such the sheriff or sheriffs for whom the same deputy or deputies shall be appointed, in like manner and form, and upon like pains, as by the former statutes and laws of this realm other sheriffs of other shires or counties within this realm of *England* be bounden to have in either of the same courts. (2) And that all writs of proclamation aforesaid shall be delivered unto every such deputy of record in the same courts; (3) and also like fees shall be paid for making every such writ of proclamation, and for inrolling the same of record, as is limited in the said statute made in the said sixth year of the reign of our said late sovereign lord King *Henry* the Eighth.

IV. And be it further enacted by the authority aforesaid, That if any person dwelling in any of the said counties of *Wales*, after the aforesaid first day of *April*, shall be outlawed in any suit or action aforesaid, That then writs of special *Capias utlagatum*, single *Capias utlagatum*, non molestari and all other process, for or against any person outlawed, shall and may from hence-

forth be directed to the sheriff of any of the said counties in *Wales*, as immediate officers to the King's said courts of the King's bench, or common place in that behalf: (2) And that every such writs may be delivered of record to the deputy of such of the said sheriffs to whom any such writ or process shall be directed, and that every such sheriff shall make execution and return of every such writ or process to him directed, upon like pain and penalty as is above limited.

The sheriffs  
forfeiture for  
not returning  
of a writ of  
proclamation.

V. And be it further enacted and established, That if any such writ or writs of proclamation hereafter directed to any of the sheriffs of any of the said shires in *Wales*, or counties palatine of *Chester*, or of the city of *Chester*, be delivered unto any of the said sheriffs for the time being, or to his or their deputy, in manner and form aforesaid, and the same sheriff or sheriffs do not make true return of every such writ or writs of proclamation, into such court and courts out of which the said writ or writs of proclamation shall be awarded; that for every such default or non-return, every such sheriff for the time being shall lose and forfeit five pound; the one half thereof shall be to our sovereign lord the King, his heirs and successors, the other half to any such person or persons as will sue for the same in an action of debt grounded upon this act, in any of the King's courts of record, wherein no essoin, protection or wager of law shall be allowed or admitted.

A reservation  
of other liberties  
in *Wales*,  
&c.

VI. Provided always that this act, or any thing therein contained, shall not in any wise extend or be prejudicial to the same counties of *Wales*, or to the said counties palatine of *Chester*, or of the city of *Chester*, for or concerning such liberties, franchises or privileges, as belong to them or any of them, or to any ministers or officers of them or any of them, otherwise or in any other manner, than by the true meaning of this act is before provided and declared; any thing in this act mentioned to the contrary notwithstanding.

The liberties  
of the lord  
marchers re-  
served.

VII. Provided always, and be it enacted by the authority aforesaid, That this act, ne any thing therein contained, shall not in any wise be prejudicial or hurtful to any lord marcher in *Wales*; but that they and every of them, and their heirs, and the heirs of every of them, shall and may have like liberty, interest and pre-eminence, as they and every of them had, might or ought to have had, before the making of this act, and as though this act had never been had ne made; any thing in this act mentioned to the contrary in any wise notwithstanding. 5 and 6 Ed. 6. c. 26.

#### C A P. XI.

A repeal of the statute of 28 H. 8. c. 17. which gave authority to the King, after his age of four and twenty years, to repeal by his letters patents, all former statutes made during his minority. An authority given to the said King *Edward* the Sixth, and to every heir of the late *Henry* the Eighth, and to every person to whom the crown shall descend, remain or come

come by appointment of the said late King *Henry the Eighth*, to repeal all statutes made before his full age of four and twenty years, saving this statute, and all pardons granted by parliament: So that the said repeal contain all such acts as shall be repealed, and three several days be openly proclaimed in the chancery in term-time, &c. and once in every county at the assises.

## CAP. XII.

*An act for the repeal of certain statutes concerning treasons and felonies.*

**N**OTHING being more godly, more sure, more to be wished and desired betwixt a Prince, the supreme head and ruler, and the subjects, whose governor and head he is, than on the Prince's part great clemency and indulgency, and rather too much forgiveness and remission of his royal power and just punishment, than exact severity and justice to be shewed; and on the subjects behalf, that they should obey rather for love, and for the necessity and love of a King and prince, than for fear of his strait and severe laws; (2) yet such times at some time cometh in the common wealth, that it is necessary and expedient for the repressing of the insolency and unruliness of men, and for the foreseeing and providing of remedies against rebellion, insurrection, or such mischiefs, as God sometime with us displeased, for our punishment doth inflict and lay upon us, or the devil at God's permission, to assay the good and God's elect, doth sow and set among us; the which Almighty God with his help, and man's policy hath always been content and pleased to have staid, that sharper laws, as a harder bridle should be made, to stay those men and facts that might else be occasion, cause and authors of further inconvenience; (3) the which thing caused the prince of most famous memory, King *Henry the Eighth*, father to our said sovereign lord the King, and other his highness progenitors, with the assent of the nobles and commons, at divers parliaments in their several times holden, to make and enact certain laws and statutes, which might seem and appear to men of exterior realms, and many of the King's majesty's subjects, very strait, sore, extreame and terrible, although they were then, when they were made, not without great consideration and policy moved and established, and for the time, to the avoidance of further inconvenience, very expedient and necessary: (4) But as in tempest or winter, one course and garment is convenient, in calm or warm weather a more liberal case or lighter garment, both may and ought to be followed and used; so we have seen divers strait and sore laws made in one parliament (the time so requiring) in a more calm and quiet reign of another prince, by the like authority and parliament, repealed and taken away: (5) The which most high clemency and royal example of his Majesty's most noble progenitors, the King's highness of his tender and godly nature, most given to mercy and love of his subjects, willing to follow, and perceiving the hearty and sincere love that his most loving subjects, both the lords and commons, do bear unto his Highness, now in this his Majesty's tender age, willing also to gratify the same therefore, and

Statutes concerning treasons, &c. repealed.

Sometimes sharp and sometimes milder laws be made, according to the people's inclinations.

*minding further to provoke his said subjects with great indulgency and clemency shewed on his Highness's behalf, to more love and kindness toward his Majesty (if it may be) and upon trust that they will not abuse the same, but rather be encouraged thereby more faithfully and with more diligence (if it may be) and care for his Majesty, to serve his Highness now in this his tender age, is contented and pleased, that the severity of certain laws here following be mitigated and remitted.*

No offence made treason by any statute shall be so adjudged, but such as were made treason by the statute of 25 Ed. 3. Stat. 5. C. 2. 1 H. 8. C. 4. 1 M. sess. 1. C. 1. 2 H. 4. C. 15.

II. Be it therefore ordained and enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no act, deed or offence, being by act of parliament or statute made treason or petit treason, by words, writing, ciphering, deeds, or otherwise whatsoever, shall be taken, had, deemed and adjudged to be high treason or petit treason, but only such as be treason or petit treason, in or by the act of parliament or statute made in the five and twentieth year of the reign of the most noble King of famous memory, King *Edward* the Third, touching or concerning treason or the declarations of treasons, and such offences as hereafter shall by this present act be expressed and declared to be treason or petit treason, and none other; (2) nor that any pains of death, penalty or forfeiture in any wise ensue or be to any of the offenders for the doing or committing any treason or petit treason, other than such as be in the said statute made in the said twenty-fifth year of the reign of the said King *Edward* the Third, or by this present statute ordained and provided; any act or acts of parliament, statute or statutes, had or made at any time heretofore, or after the said twenty-fifth year of the reign of the said late King *Edward* the Third, or any other declaration or matter to the contrary in any wise notwithstanding.

5 R. 2. Stat. 2. C. 5. 2 H. 5. C. 7. 25 H. 8. C. 14. 31 H. 8. C. 14. 34 & 35 H. 8. C. 1.

III. And also be it further enacted by the authority aforesaid, That all acts of parliament and statutes touching, mentioning or in any wise concerning religion or opinions, that is to say, as well the statute made in the first year of the reign of the King's noble progenitor King *Richard* the Second; (2) and the statute made in the second year of the reign of King *Henry* the fifth; and the statute also made in the twenty-fifth year of the reign of King *Henry* the Eighth, concerning punishment and reformation of hereticks and Lollards, and every provision therein contained; (4) and the statute made for the abolishment of diversity of opinions in certain articles concerning Christian religion commonly called the Six articles, made in the parliament begun at *Westminster* the twenty-eighth day of *April* in the one and thirtieth year of the reign of the most noble and victorious prince of most famous memory King *Henry* the Eighth, father of our most dread sovereign lord the King that now is; (5) and also the act of parliament and statute made in the parliament begun at *Westminster* the sixteenth day of *January* in the three and thirtieth year of the reign of the said late King *Henry* the Eighth, and after

35 H. 8. C. 5. A repeal of the before specified six statutes, and of every other act concerning doctrine and matter of religion.

after that prorogued unto the two and twentieth day of *January* in the four and thirtieth year of the reign of the said late King *Henry* the Eighth, touching, mentioning or in any wise concerning books of the old and new testament in *English*, and the printing, uttering, selling, giving or delivering of books or writings, and retaining of *English* books or writings, and reading, preaching, teaching or expounding of scripture, or in any wise touching, mentioning or concerning any of the same matters. (6) And also one other statute made in the parliament holden at *Westminster* in the five and thirtieth year of the reign of the said late King *Henry* the Eighth, concerning the qualification of the statute of six articles; (7) and all and every other act or acts of parliament concerning doctrine or matters of religion; (8) and all and every branch, article, sentence and matter, pains and forfeitures contained, mentioned or in any wise declared in any of the same acts of parliament or estatutes, shall from henceforth be repealed, and utterly void and of none effect.

IV. And be it further ordained and enacted by the authority aforesaid, That all offences made felony by any act or acts of parliament, statute or statutes, made sithence the twenty-third day of *April* in the first year of the reign of the said late King *Henry* the Eighth, not being felony before, and also all and every the branches and articles mentioned or in any wise declared in any of the same statutes concerning the making of any offence or offences to be felony, not being felony before, and all pains and forfeitures concerning the same or any of them, shall from henceforth be repealed and utterly void, and of none effect.

V. And be it also ordained and enacted by the authority aforesaid, That one act made in the parliament holden at *Westminster* in the xxxi. year of the reign of the said late King *Henry* the Eighth, that proclamations made by the King's highness, by the advice of his honourable council, should be obeyed and kept as though they were made by authority of parliament; and also one other act made in the parliament holden in the xxxiv. year of the reign of the said late King *Henry* the Eighth, for the due execution of the said proclamations; and also all and every branch, article and matter in the same statutes and in every of them mentioned or declared, shall from henceforth be repealed, and utterly made void and of none effect.

VI. And be it enacted by the authority aforesaid, That if any person or persons, at any time after the first day of *March* next coming, by open preaching, expresse words or sayings, do affirm or set forth that the King, his heirs or successors, Kings of this realm, for the time being, is not, or ought not to be supreme head in earth of the church of *England* and *Ireland* or any of them, immediately under God; (2) or that the bishop of *Rome*, or any other person or persons, other than the King of *England* for the time being, is or ought to be by the laws of God supreme head of the same churches or of any of them; (3) or that the

All statutes made sithence the first year of H. 8. to make any thing felony, repealed.  
A repeal of the stat. of 31 H. 8. c. 8. & 34 & 35 H. 8. c. 23. touching the authority of the King's proclamations.  
The penalty for affirming by words, that the King is not supreme head of the church, or that any other is; or to compass to depose him, or to affirm that he ought not to be King,

be King.  
Repealed 1 & 2  
Ph. & M. c. 8.  
for so much as  
concerns the  
supremacy.

The punish-  
ment for the  
second offence  
being once be-  
fore convicted.  
25 Ed. 3. stat.  
5. c. 2.

The punish-  
ment for the  
third offence,  
being twice  
convicted.

King, his heirs or successors, Kings of this realm, is not, or ought not to be King of *England, France and Ireland*, or any of them; (4) or after the said first day of *March* do compass or imagine, by open preaching, express words or sayings, to depose or deprive the King his heirs or successors, Kings of this realm, from his or their royal estate or titles to or of the realms aforesaid; (5) or do openly publish or say by express words or sayings, that any other person or persons, other than the King, his heirs or successors, Kings of this realm, of right ought to be Kings of the realms aforesaid or of any of them, or to have and enjoy the same or any of them; (6) that then every such offender, being thereof duly convicted or attainted by the laws of this realm, their aiders, comforters, abettors, procurers and counsellors, for his or their such first offence, shall lose and forfeit to the King all his and their goods and chattels, and also shall have and suffer imprisonment of his and their bodies, at the King's will and pleasure. (7) And if any person, being once convicted or attainted of any of the said offences, shall after his conviction or attainder afterwards commit or perpetrate any of the offences before mentioned, other than such as be expressed in the said statute made in the said xxv. year of King *Edward the Third*, and shall be thereof duly convicted and attainted by the laws of this realm; that then every such offender, their aiders, comforters, abettors, procurers and counsellors, for his or their said second offence or offences, shall lose and forfeit to the King the whole issues and profits of all his and their lands, tenements and other hereditaments, benefices, prebends and other spiritual promotions, for term of life of such offender or offenders; and shall also lose and forfeit to the King all his and their goods and chattels, and also suffer, during his and their lives, perpetual imprisonment of his and their bodies: (8) And if any person being two times hereafter convicted or attainted of any of the same offences, shall after his said second conviction or attainder afterwards commit or perpetrate again any of the said offences, and be thereof duly convicted or attainted by the laws and statutes of this realm; that then every such third offence or offences shall be deemed and adjudged high treason, and the offender or offenders, their aiders, comforters, abettors, procurers and counsellors, being therein convicted or attainted, according to the laws and statutes of this realm, shall be deemed and adjudged high traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the King, as in cases of high treason.

VII. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said first day of *March* next coming, by writing, printing, overt-deed or act, do affirm or set forth that the King of this realm for the time being is not or ought not to be supreme head in earth of the church of *England and Ireland*, or of any of them, immediately under God; (2) or shall by writing, printing, overt-deed or act, after the said first day of *March* affirm or set forth, that the bishop of *Rome*,

*Reine*, or any other person or persons, other than the King of *England* for the time being, is or ought to be by the laws of God or otherwise, the supreme head in earth of the same churches or of any of them; (3) or do after the said first day of *March* compass or imagine by writing, printing, overt-deed or act, to depose or deprive the King, his heirs or successors, Kings of this realm, from his or their royal estate or titles of the King of *England*, *France* or *Ireland*, or of any of them; (4) or by any writing, printing, overt-deed or act, do affirm that any other person or persons, other than the King, his heirs and successors, is or of right ought to be King of the realms of *England*, *France* or *Ireland*, or to have and enjoy the same or any of them; (5) that then every such offence and offences shall be deemed and adjudged high treason, and the offender and offenders, their aiders, comforters, abettors, procurers and counsellors, therein convicted or attainted according to the laws and statutes of this realm, shall be deemed and adjudged high traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the King, as in cases of high treason.

It shall be high treason to affirm by writing, printing or deed, that the King is not supreme head of the church, or that any other is, or, &c.  
Repealed: 1 & 2 Ph. & M. c. 3.  
13 El. c. 1.  
26 H. 8. c. 13.

VIII. Provided always, and be it enacted by the authority aforesaid, That this statute or any thing therein contained, shall not in any wise extend to repel, annul or make frustrate or void, any act or acts of parliament, statute or statutes made concerning the counterfeiting or forging of any of the coins of this realm, (2) or of the coin of any other realm or realms, current within this realm, (3) or for clipping, washing or filing of any of the said coins, (4) or for or concerning the bringing into this realm of counterfeit money or coin; (5) ne to any statute made in the xxvij. year of the said late King *Henry* the Eighth, concerning the false forging and counterfeiting of the King's signs manual, privy signet or privy seal; (6) ne to their counsellors, procurers, aiders and abettors, (7) nor to any article or branch concerning the same offences or any of them, contained in the same statutes or any of them.

To which acts of parliament this statute extendeth not.

27 H. 8. c. 2.

IX. And be it further enacted by the authority aforesaid, That if any of the heirs of the King our said sovereign lord that now is, or any person or persons to whom the crown and dignity of this realm is limited and appointed by act of parliament made in the xxxv. year of the reign of the said late King *Henry* the Eighth, or the heirs of any of them, do at any time hereafter usurp the one of them upon the other in the crown of this realm, or demand, challenge or claim the same otherwise, or in any other form or degree of descent or succession, or in any other course, form, degree or condition, but only in such manner and form as is declared by the said statute; or if any of the said heirs or persons aforesaid do interrupt or let the King's highness that now is, peaceably and quietly to keep, have and enjoy the said imperial crown: that then all and singular the offenders, their aiders, comforters, abettors, procurers and counsellors therein, shall be deemed and adjudged high traitors,

It shall be high treason to interrupt any person to whom the crown is limited by the statute of 35 H. 8. c. 2.

and shall suffer and incur the pains of death, losses and forfeitures, as is aforesaid, in cases of high treason.

The offenders in these felonies shall be excluded of their clergy and sanctuary by 2 & 3 Ed. 6. c. 33.  
Hob. 294.

Persons stealing one horse are ousted of clergy, &c.

Clergy allowed in all other cases of felony.  
1 Jac. 1. c. 25.  
Sanctuaries extinct.  
11 Coke 31.

Statutes made during the reign of King H. 8. touching challenges and foreign pleas, confirmed.  
35 H. 8. c. 6.  
4 H. 8. c. 2.  
22 H. 8. c. 2.

This statute shall not extend to those that be arrested, imprisoned, indicted, convicted, outlawed, attainted, or fled for treason.

X. And it is further ordained and enacted by the authority aforesaid, That no person or persons that heretofore hath been, or at any time hereafter shall be, in due form of the laws, attainted or convicted of murder of malice premeditated, or of poisoning of malice premeditated; (2) or of breaking of any house by day or by night, any person being then in the same house where the same breaking heretofore hath been or hereafter shall be committed, and heretofore hath been or hereafter shall be thereby put in fear or dread; (3) or of or for robbing of any person or persons in the highway, or near to the highway; or for felonious stealing of horses, geldings or mares; (4) or of felonious taking of any goods out of any parish church, or other church or chapel; (5) or being indicted or appealed of any of the same offences, and thereupon found guilty by verdict of twelve men, or shall confess the same upon his or their arraignment, or will not answer directly, according to the laws of this realm, or shall stand wilfully, or of malice mute, (6) shall not be admitted to have or enjoy the privilege or benefit of his clergy or sanctuary, but shall be put from the same: (7) And that in all other cases of felony, other than such as are before mentioned, all and singular person and persons, which after the first day of *March* next coming shall be arraigned or found guilty upon his or their arraignment, or shall confess the same, or stand mute, in form aforesaid, or will not answer directly in form aforesaid, shall have and enjoy the privilege and benefit of his or their clergy, the liberty and privilege of sanctuary, in like manner and form as he or they might or should have done before the four and twentieth day of *April* in the first year of the reign of the said late King *Henry* the Eighth.

XI. Provided always, and be it enacted by the authority aforesaid, That all clauses, articles and sentences mentioned or specified in any act or acts of parliament, statute or statutes made in the time of the reign of the said late King *Henry* the Eighth, touching or in any wise concerning any manner of challenge for the county, hundred, or peremptory challenge, or any of them, or touching or in any wise concerning any manner of trial of foreign pleas pleaded by murderers, felons or other offenders, shall, as concerning the said challenges and trials, remain in their force and strength not repealed; any thing in this act mentioned sounding or seeming to the contrary in any wise notwithstanding.

XII. Provided also, and be it ordained and enacted by the authority aforesaid, That this act of parliament or any thing therein mentioned, as concerning the repeal of any statute or statutes made touching treason or misprision of treason, shall not in any wise give any manner of benefit, advantage or commodity to any person or persons, being the last day of *October* last past arrested or imprisoned for treason, petit treason, or misprision of treason, or to any person or persons heretofore being indicted

indicted of treason, petit treason, or misprision of treason, or to any other person or persons being likewise convicted, outlawed or attainted of treason, petit treason, or misprision of treason, or being fled beyond the seas or into *Scotland*, before the said last day of *October* last past, for any treason, petit treason, or misprision of treason; but that they and every of them shall suffer such pains of death, losses and forfeitures of lands and goods, as in cases of treason as though this act had never been had or made; any thing in this act to the contrary in any wise notwithstanding; and that the laws and statutes repealed by this act shall stand against them and every of them in full strength, virtue, force and effect concerning all and every offence by them or any of them heretofore committed or done.

XIII. Provided also, and be it ordained and enacted by the authority aforesaid, That all wilful killing by poisoning of any person or persons, that at any time hereafter shall be done, perpetrated or committed, shall be adjudged, taken and deemed wilful murder of malice prepensed; (2) and that the offenders therein, their aiders, abettors, procurers and counsellors shall suffer death, and forfeit in every behalf, as in other cases of wilful murder of malice prepensed.

wilful killing  
by poisoning  
shall be ad-  
judged mur-  
der.  
1 Bulstr. 87.  
1 Plowd. 473.  
4 Co. 47.

XIV. And over that, be it enacted by the authority aforesaid, That in all and every case and cases, where any of the King's majesty's subjects shall and may, upon his prayer, have the privilege of clergy as a clerk convicted, that may make purgation; in all those cases and every of them, and also in all and every case and cases of felony, wherein the privilege and benefit of clergy is restrained, excepted or taken away by this statute or act, (wilful murder and poisoning of malice prepensed only excepted) the lord and lords of the parliament, and peer and peers of the realm, having place and voice in parliament, shall by virtue of this present act, of common grace, upon his or their request or prayer, alledging that he is a lord or peer of this realm, and claiming the benefit of this act, though he cannot read, without any burning in the hand, loss of inheritance or corruption of his blood, be adjudged, deemed, taken and used for the first time only, to all intents, constructions and purposes, as a clerk convicted, and shall be in case of a clerk convicted, which may make purgation, without any further or other benefit or privilege of clergy to any such lord or peer from thenceforth at any time after for any cause to be allowed, adjudged or admitted; any law, statute, usage, custom, or any other thing to the contrary in any wise notwithstanding.

A lord of the  
parliament  
shall have his  
clergy for the  
first offence of  
felony, though  
he cannot  
read and with-  
out burning.

XV. Provided always, That if any of the said lords of the parliament, or any of the peers of this realm for the time being, shall fortune to be indicted of any of the offences limited in this act; that then they and every of them shall have his or their trial by their peers, as it hath been used heretofore in cases of high treason.

Trial by peers  
of a lord of the  
parliament.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons, that by this statute or by any

Bigamus al-  
lowed his cler-  
any 57.

1 Jac. 1. c. 11.  
Brook clergy  
20.

any other statutes or laws of this realm ought to have or be admitted to the benefit of his or their clergy; that the same person and persons shall be from henceforth admitted and allowed to have his or their clergy, although they or any of them have been divers and sundry times married to any single woman or single women, or to any widow or widows, or to two wives or more; any law, statute or usage to the contrary in any wise notwithstanding.

4 Ed. 1. c. 5.  
The wife shall  
be endowed  
tho' her husband  
be attainted of  
treason, &c.  
Altered for  
high treason  
by 5 & 6 Ed.  
6. c. 11. f. 9.  
Dyer 97.

XVII. And over that it is ordained and enacted by the authority aforesaid, That albeit any person or persons of what estate, condition or degree he or they be, shall hereafter fortune to be attained, convicted or outlawed of any treason, petit treason, misprision of treason, murder or felony whatsoever, yet that notwithstanding, every woman that is or shall fortune to be wife of the person so attained, convicted or outlawed, shall be endowable and enabled to demand, have and enjoy her dower in like manner and form as though her husband had not been attained, convicted or outlawed; any statute, law, usage or custom to the contrary in any wise notwithstanding: (2) Saving to all and every other person and persons, bodies politick and corporate, their heirs and successors, and to every of them, (other than to such offender or offenders as shall be attained, convicted or outlawed) all such right, title, interest, entry, leases, possession, condition, profit, commodity and hereditaments, as they or any of them had or should or of right ought to have before or at the time of the said attainder, conviction or outlawery.

A confirmation  
of the  
statute 27 H.  
8. c. 17. concerning a  
servant taking  
his master's  
goods.  
Rep. 1 M. sess.  
2. c. 1.  
21 H. 8. c. 7.  
5 El. c. 10.

XVIII. Provided also, and be it enacted by the authority aforesaid, That one act made at the parliament holden at *Westminster* upon divers prorogations the iv. day of *February* in the xxvij. year of the said late King *Henry* the Eighth, and there continued and kept until the xxiv. day of *April* then next ensuing, concerning and touching the felonious taking away by any servant the goods or chattels of the master or mistress, and all articles and sentences contained in the same act, shall stand, be and remain in full strength, force and effect, in such manner and form as it did before the making of this present act; the repeal or revocation of the acts aforesaid to the contrary notwithstanding.

Within what  
time after the  
offence committed  
the offender must  
be accused.

XIX. Provided alway, and be it enacted by the authority aforesaid, That no person or persons shall in any wise be impeached or put to answer for any of the offences aforesaid concerning treason by open preaching or words only, unless the party, offender or offenders be thereof accused within thirty days next after the same open preaching or words so spoken or declared, if the accusers shall fortune to be within this realm, during the said space of thirty days next after the said offence committed or done: (2) and if the accusers shall happen to be out of this realm during the said space of thirty days, then the party or parties so offending shall be accused as is aforesaid, within six months next after the same preaching, or words so spoken or declared; or else the party or parties so offending,

their aiders, comforters, abettors and counsellors, or any of them, not to be impeached, or put to answer for any such offence or offences; (3) and that the same accusation or accusations so to be had, made and declared, shall be made to one of the King's council, or to one of the King's justices of assize, or else to one of the King's justices of peace, being of the *quorum*, or to two justices of the peace within the shire where the same offence or offences shall happen to be done or committed; any thing in this act contained to the contrary thereof notwithstanding.

To whom the accusation must be made.

XX. Provided also, and be it declared and enacted by the authority aforesaid, That concealment, or keeping secret any high treason, shall be from henceforth adjudged, deemed and taken misprision of treason, and the offender therein shall forfeit and suffer as in cases of misprision of treason, as heretofore hath been used; any thing above mentioned to the contrary notwithstanding.

Keeping secret high treason is misprision of treason.

XXI. Provided also, and be it declared and enacted by the authority above said, That this act, or any thing therein contained, shall not extend to charge, or make any person or persons to be offender or offenders in any of the articles above said, for calling, naming, saying, writing or printing the *French King* for the time being, by the name of the King of *France* or *French King*; any thing above declared and enacted to the contrary in any wise notwithstanding.

The French king or king of France may be so called.

XXII. Provided always, and be it enacted by the authority aforesaid, That no person or persons, after the first day of *February* next coming, shall be indicted, arraigned, condemned or convicted for any offence of treason, petit treason, misprision of treason, or for any words before specified to be spoken after the said first day of *February*, for which the same offender, speaker, offenders or speakers, shall in any wise suffer any pains of death, imprisonment, loss or forfeiture of his goods, chattels, lands or tenements; unless the same offender, speaker, offenders or speakers, be accused by two sufficient and lawful witnesses, or shall willingly without violence confess the same.

No indictment or arraignment without two witnesses or confession. 1 & 2 Ph. & M. c. 10. 3 Inst. 25, 26. Kelyng 17, 18.

#### C A P. XIII.

A subsidy of tonnage and poundage granted to the King during his life. 4 Inst 33.

#### C A P. XIV.

*The act for chantries collegiate,*

THE King's most loving subjects, the lords spiritual and temporal, and the commons, in this present parliament assembled, considering that a great part of superstition and errors in christian religion hath been brought into the minds and estimations of Men, by reason of the ignorance of their very true and perfect salvation through the death of Jesus Christ, and by devising and phantasying vain opinions of purgatory and masses satisfactory, to be done for them which be departed; the which doctrine and vain opinion, by nothing more is maintained

All chantries, &c. be granted to the King. Cro. Jac. 51. Hob. 123. Moor 865. 1 Roll. 152. 417. 2 Roll. 160. Goldsb. 93.

A rehearsal  
of the statute  
of 37 H. 8.  
c. 4. touching  
the dissolution  
of chantries,  
&c.  
Stile 36, 42.

1 Bullt. 120.

tained and upholden, than by the abuse of trentals, chantries, and other provisions made for the continuance of the said blindness and ignorance; (2) and further considering and understanding, that the alteration, change and amendment of the same, and converting to good and godly uses, as in erecting of grammar schools to the education of youth in virtue and godliness, the further augmenting of the universities, and better provision for the poor and needy, cannot in this present parliament be provided and conveniently done, nor cannot, ne ought to have any other manner person to be committed, than to the King's highness, whose majesty, with and by the advice of his Highness most prudent council, can and will most wisely and beneficially, both for the honour of God, and the weal of this his Majesty's realm, order, alter, convert and dispose the same; (3) and calling further to their remembrance, that in the parliament holden at Westminster the seven and thirtieth year of the reign of our late sovereign lord King Henry the Eighth, father to our most dread and natural sovereign lord the King that now is, it was ordained, enacted and established amongst other things, That all and singular colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds, and other promotions mentioned in the said former act, had or made to have continuance in perpetuity for ever, and then being, or that had or ought to be contributory or chargeable to the payment of the first-fruits and tenths, according to the laws and statutes in that behalf had and made, by what name, surname, degree or corporation, they or any of them were founded, ordained, established, erected, named, called or known: and all and singular the mansion houses, manors, orchards, gardens, lands, tenements, pastures, woods, waters, rents, reversions, services, commons, tithes, pensions, portions, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, leets, courts, liberties, privileges, franchises and other hereditaments whatsoever, then appertaining or belonging, or that did appertain or belong, or were assigned or appointed to any such college, free chapel, chantry, hospital, fraternity, brotherhood, guild, stipendiary priest, or other the said promotions, or to any of them, or accepted, known, or taken as part, parcel or member of them or of any of them, and to the said colleges, chantries, free chapels, hospitals, fraternities, brotherhoods, guilds, stipendiary priests, or other promotions, or to any of them united or annexed, which between the fourth day of February in the seven and twentieth year of the said late King's reign, and the five and twentieth day of December in the seven and thirtieth of his Grace's reign, by reason of any entry, expulsion, bargain, sale, feoffment, fine, recovery, lease, or other conveyance thereof made, were dissolved, determined or relinquished by any of the ways, means or conveyances mentioned in the said act, or otherwise, other than such of them as then were in the possession of the said late King, or that were granted or assured by his licence, agreement, consent or letters patents to any person or persons, or then had been lawfully obtained or recovered by any person by any former right or title, without fraud or covin, or by the King's licence, should from thenceforth by authority of the same former act, be adjudged and deemed, and also be in the very actual and real possession and seisin of the said late King, and of his heirs and successors  
for

for ever, (4) in as large and ample manner as the said priests, wardens, ministers, governors, rulers or other incumbents, or any of them, or the patrons, donors or founders of any of them, at any time sithence the said fourth day of February in the seven and twentieth year aforesaid, had occupied or enjoyed, or then had occupied or enjoyed the same, and as though all and singular the said colleges, chantries, hospitals, free chapels, fraternities, brotherhoods, guilds and other the said promotions, and the said manors, lands, tenements, hereditaments and other the premises whatsoever they be, and every of them, had been in the said former act specially, particularly and certainly rehearsed, named and expressed by express words, names, surnames, corporations, titles and faculties, and in their natural kinds and qualities; the said entries, expulsions, bargains, sales, fines, feoffments, recoveries, or other assurance and conveyance whatsoever they were, had or made (except before in the former act excepted) to the contrary notwithstanding.

II. And where also it was enacted and granted to the said late King, by the said former act, That the same late King during his natural life, might make and direct his commission and commissions under his great seal, to enter into all and singular such and as many chantries, free chapels, hospitals, colleges, and other the promotions mentioned in the said former act, and into all and singular such manors, mansions, houses, meases, lands, tenements, pastures, woods, waters, rents, reversions, services, possessions and other hereditaments whatsoever, or into any part or parcel thereof, in the name, seisin and possession of all the hereditaments annexed, united, belonging or appertaining to any chantry, hospital, free chapel, college, fraternity, brotherhood, guild, or other the said promotions or whereof any priests, provosts, governors, rulers or other incumbents, of them or of any of them, by what name, surname, degree, title or corporation, they and every of them or any of them were founded, erected, ordained, established, named, called or known, then had or enjoyed, or that hereafter should have or enjoy, to the said chantries, hospitals, free chapels, colleges, fraternities, brotherhoods, guilds and other the said promotions that then were chargeable to the payment of the first-fruits and tenths, and all colleges that were chargeable or not chargeable to the said payment of the first-fruits and tenths as is aforesaid, or to any of them, as should be named, expressed and appointed in the same commission or commissions; (2) and to seise and take the same chantries, hospitals, colleges, free chapels, fraternities, brotherhoods, guilds and other the said promotions, manors, lands, tenements, and other the premises mentioned in the said commission or commissions and in every of them, and every part, parcel and member of the same, into the King's possession and hands, to have and to hold the same to the said late King and to his heirs and successors for ever, as by the said former act, amongst other things, more at large appeareth: (3) it is now ordained and enacted by the King our sovereign lord, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That all manner of colleges, free chapels and chantries, having been or in esse within five years next before the first day of this present parliament, (which were not in

The King's commissions to certain persons to enter into chantries, &c. and their lands.

1 Leonard 38.

3 Bulst. 151.

Moor 263. pl. 413, 693 pl. 960.

Moor 129. pl. 277.

3 Leon. 114.

Colleges, free chapels, chantries and their lands, given to the King.

Co. pl. 200.

Lane 123, 115.

Dyer 81, 267, 287.

2 Co. 49.

1 Roll. 357.

2 Roll. 206.

actual

Lands and annual rents assigned to the finding of a priest to have continuance for ever, given to the King.  
4 Co. 104, 105.

actual and real possession of the said late King, nor in the actual and real possession of the King our sovereign lord that now is, nor excepted in the said former act in form above said, other than such as by the King's commissions in form hereafter mentioned shall be altered, transposed or changed) and all manors, lands, tenements, rents, tithes, pensions, portions and other hereditaments and things above mentioned, belonging to them or any of them: (4) and also all manors, lands, tenements, rents and other hereditaments and things above mentioned, by any manner of assurance, conveyance, will, devise, or otherwise had, made suffered, knowledged or declared, given, assigned, limited or appointed, to the finding of any priest, to have continuance for ever, and wherewith or whereby any priest was sustained, maintained or found within five years next before the first day of this present parliament, (which were not in the actual and real possession of the said late King, nor in the actual and real possession of our sovereign lord the King that now is) (5) and also all annual rents, profits and emoluments, at any time within five years next before the beginning of this present parliament, employed, paid or bestowed, toward or for the maintenance, supportation or finding of any stipendiary priest, intended by any act or writing to have continuance for ever, (6) shall by the authority of this present parliament, immediately after the feast of *Easter* next coming, be adjudged and deemed and also be in the very actual and real possession and seisin of the King our sovereign lord, and his heirs and successors for ever, without any office or other inquisition thereof to be had or found, (7) and in as large and ample manner and form as the priests, wardens, masters, ministers, governors, rulers, or other incumbents of them or any of them, at any time within five years next before the beginning of this present parliament, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the same, (8) and as though all and singular the said colleges, free chapels, chantries, stipends, salaries of priests, and the said manors, lands, tenements, hereditaments and other the premisses, whatsoever they be, and every of them, were in this present act specially, particularly and certainly rehearsed, named and expressed by express words, names, surnames, corporations, titles and faculties, and in their natures, kinds and qualities.

Where lands have been given to the finding of priests for years.

III. And over that, be it ordained and enacted by the authority of this present parliament, That where any manors, lands, tenements, tithes, pensions, portions, rents, profits or other hereditaments, by any manner of assurance, conveyance, will, devise or otherwise, at any time heretofore had, made, suffered, knowledged or declared, were given, assigned or appointed, to or for the maintenance, sustentation or finding of one priest or divers priests, for term of certain years yet continuing, and that any priest hath been maintained, sustained or found with the same, or with the revenues or profits thereof within five years last past, that the King from the said feast of *Easter* next coming, shall have and enjoy in every behalf, for and during

ing all such time to come, every such and like things, tenements, hereditaments, profits and emoluments, as the priest or priests ought or should have had for or toward his or their maintenance, sustenance or finding, and for no longer or further time, nor for any other profit, advantage or commodity thereof to be taken.

IV. Provided always, and it is ordained and enacted by the authority of this present parliament, That when and as soon as the time assigned for the maintenance, sustentation or finding of the priest or priests, shall be expired and run, that then it shall be lawful to every person and persons, to whom any manors, lands, tenements, tithes, portions, pensions, rents and other hereditaments, or any of them, should have belonged or appertained if the said former act and this act had never been had or made, to enter into, take, perceive, have and enjoy the same, without any manner of livery, *Ouster le maine*, petition or other suit to be made to the King, in like manner, form and condition, to all intents, constructions and purposes, as though the said former act and this act had never been had or made, and as though the King had never had any seisin or possession thereof; any thing in the said former act, or in this act, to the contrary in any wise notwithstanding.

He in reversion may enter after the years expired.

V. And be it ordained and enacted by the authority of this present parliament, That the King our sovereign lord, his heirs and successors, from the said feast of *Easter* next coming, shall have, hold, perceive and enjoy for ever, all lands, tenements, rents and other hereditaments, which by any manner of assurance, conveyance, will, wills, devise or otherwise, at any time heretofore had, made, suffered, knowledge or declared, were given, assigned or appointed to go or to be employed wholly to the finding or maintenance of any anniversary or obit, or other like thing, intent or purpose, or of any light or lamp, in any church or chapel, to have continuance for ever, which hath been kept or maintained within five years next before the said first day of this present parliament.

Lands wholly given to the maintenance of an obit, &c.  
Co. Ent. 377.  
Godb. 309.  
Dyer 337.

VI. And also that where but part of the issues or revenues of any manors, lands, tenements, rents or other hereditaments, hath by any of the ways or means aforesaid been given, assigned or appointed to be bestowed or employed to the finding or maintenance of any anniversary or obit, or other like thing, intent or purpose, or of any light or lamp, in any church or chapel, to have continuance for ever: that then our said sovereign lord the King shall from the said feast of *Easter* next coming for ever have, perceive and enjoy every such sums of money, that in any one year within five years next before the first day of this present parliament, hath been expended and bestowed about the finding or maintenance of any such anniversary or obit, or other like thing, intent or purpose, of any light or lamp, to him, his heirs and successors for ever, as a rent-charge to be paid yearly at the feast of St. *Michael* the archangel, and the annunciation of our lady St. *Mary* the virgin, by even portions in the King's court of the augmentations and revenues of his

Part of the issues of lands employed to the finding of a lamp, obit, &c.  
Dyer 368.

The King's  
distress for the  
rent and entry  
for default  
thereof.

his crown, or in any other court or courts, as the King hereafter shall appoint. (2) And that it shall be lawful to our said sovereign lord the King, his heirs and successors, for non-payment of any such sum or sums of money, to distrain in the said manors, lands and tenements, of the issues and revenues whereof the said anniversary or obit, or other like thing, or any such light or lamp was found, sustained or maintained: (3) and that for lack of sufficient distress, in or upon any of the premises, whereof any of the said yearly rents or sums of money should be paid, by the space of one month next after that any of the said rents should be paid, and be not paid within the said month: that then it shall be lawful to and for our sovereign lord the King, his heirs and successors, by virtue of this present act, to enter into, and to have and possess as much of the lands, tenements and hereditaments whereof the said rent or rents should be levied or paid, as the rent or rents that should be levied or paid out of the same doth or shall amount or come to in yearly value, and the same lands, tenements and hereditaments, to hold and keep, and to have to our said sovereign lord the King, his heirs and assigns for ever, or for such estate as our sovereign lord the King, his heirs or successors, had or ought to have had of or in the said rent or rents.

Money given  
to the finding  
of a priest,  
obit, lamp,  
light, by a  
corporation.

VII. And it is also ordained and enacted by the authority of this present parliament, That our sovereign lord the King shall from the said feast of *Easter* next coming have, perceive and enjoy, all and singular such sums of money, profits, commodities and emoluments, which by virtue of any manner of assurance, conveyance, composition, will, device or otherwise, heretofore have been given, assigned, limited or appointed to have continuance for ever, which in any one year within five years next before the beginning of this present parliament have been paid, bestowed or employed by any manner of corporations, guilds, fraternities, companies or fellowships of mysteries or crafts, or any of them, being in *England, Wales* and other the King's dominions, or by the masters, wardens, governors or other officers or ministers, or by the master, warden, governor or other officer or minister of them or any of them, toward or about the finding, maintenance or sustentation of any priest or priests, of any anniversary or obit, lamp, light or lights, or other like thing as is aforesaid, to our said sovereign lord the King, his heirs and successors for ever, to be paid yearly as a rent-charge at the feasts of saint *Michael* the archangel and the annunciation of our Lady, by even portions, in the King's court of the augmentations and revenues of his crown, or in any other court or courts, as the King hereafter shall appoint.

The King  
may distrain  
for the money  
or profit.

VIII. And that it shall be lawful to our said sovereign lord the King, his heirs and successors, for non-payment of any such sum or sums of money, profit, commodity or emolument, or for non-payment of any of them, to distrain in all the manors, lands and tenements, of every such crafts, corporations, guilds, fraternities, companies or fellowships of mysteries or crafts, or any of

of them, by whom, or by the masters, wardens, governors or other officers or ministers, or master, warden, governor or minister, of the which any such sum or sums of money, profit, commodity or emolument, have or hath been paid, bestowed or employed: (2) and that all and every of the said sums of money, profits, commodities and emoluments, shall from the feast of *Easter* next coming, without any manner of inquisition or office to be had or found, be judged and deemed to be in the actual and real possession of our said sovereign lord the King, in like manner and form to all intents, constructions and purposes, as if the same had been particularly and specially mentioned in this present act.

IX. And furthermore be it ordained and enacted by the authority aforesaid, That the King our sovereign lord shall from the said feast of *Easter* next coming have and enjoy to him, his heirs and successors for ever, all fraternities, brotherhoods and guilds, being within the realm of *England* and *Wales*, and other the King's dominions; and all manors, lands, tenements and other hereditaments belonging to them or any of them (other than such corporations, guilds, fraternities, companies and fellowships of mysteries or crafts, and the manors, lands, tenements and other hereditaments pertaining to the said corporations, guilds, fraternities, companies and fellowships of mysteries or crafts above mentioned) (2) and shall by virtue of this act be judged and deemed in the actual and real possession of our said sovereign lord the King, his heirs and successors, from the said feast of *Easter* next coming, for ever, without any inquisition or office thereof to be had or found.

X. And be it ordained and enacted by the authority aforesaid, That our said sovereign lord the King, his heirs and successors, at his and their will and pleasure may direct his and their commission and commissions under the great seal of *England* to such persons as it shall please him: (2) and that the same commissioners, or two of them at the least, shall have full power and authority by virtue of this act, and of the said commission, as well to survey all and singular lay-corporations, guilds, fraternities, companies and fellowships of mysteries or crafts incorporate, and every of them, as all other the said fraternities, brotherhoods and guilds within the limits of their commission to them directed, (3) and all the evidences, compositions, books of accompts and other writings of every of them, to the intent thereby to know what money and other things was paid or bestowed to the finding or maintenance of any priest or priests anniversary or obit, or other like thing, light or lamp, by them or any of them: (4) as also to enquire, search and try by all such ways and means as to them shall be thought meet and convenient, what manors, lands, tenements, rents and other hereditaments, profits, commodities, emoluments and other things, be given, limited or appointed to our said sovereign lord the King by this act, within the limits of their commission.

Fraternities,  
brotherhoods  
and guilds  
given to the  
King.

Commissioners  
shall be directed to several persons,  
and what their  
authority  
shall be.

Lands assigned  
towards the  
maintenance  
of a preacher  
or schoolmaster.  
Endowment  
of a vicar.

XI. And also that the same commissioners, or two of them at the least, by virtue of this act, and of the commission to them directed shall have full power and authority to assign, and shall appoint (in every such place where guild, fraternity, the priest or incumbent of any chantry *in esse*, the first day of this present parliament, by the foundation, ordinance, or the first institution thereof, should or ought to have kept a grammar school or a preacher, and so hath done sithen the feast of St. *Michael* the archangel last past) lands, tenements and other hereditaments of every such chantry, guild and fraternity, to remain and continue in succession to a schoolmaster or preacher for ever, for and toward the keeping of a grammar school or preaching, and for such godly intents and purposes, and in such manner and form, as the same commissioners, or two of them at the least, shall assign or appoint: (2) and also to make and ordain a vicar to have perpetuity for ever in every parish church, the first day of this present parliament being a college, free chapel or chantry, or appropriated, annexed or united to any college, free chapel or chantry, that shall come to the King's hands by virtue of this act, and to endow every such vicar sufficiently, having respect to his cure and charge; the same endowment to be to every such vicar, and to his successors for ever, without any other licence or grant of the King, the bishop, or other officers of the diocese. (3) And also the said commissioners, or two of them at the least, shall have authority by force of this act, to assign in every great town or parish, where they shall think necessary to have more priests than one, for the ministring of the sacraments within the same town or parish, lands and tenements belonging to any chantry, chapel or stipendiary priest, being within the same town or parish the first day of this present parliament, to be to such person and persons, as the said commissioners, or two of them at the least, shall assign or appoint to continue in succession for ever, for and towards the sufficient finding and maintenance of one or more priests within the same town or parish, as by the said commissioners, or two of them, shall be thought necessary or convenient: (4) and as well to make ordinances and rules concerning the service, use and demeanor of every such priest and schoolmaster, as is aforesaid, to be appointed, as also by what name or names he and they shall from henceforth be named and called. (5) And also that the said commissioners, or two of them at the least, shall have full power and authority by virtue of this act, and of the said commission to them directed, to assign as well to every dean, master, warden, provost, and other incumbent and minister of any of the said colleges, free chapels or chantries, being within the limits of their commission, which hereafter shall be dissolved or determined by virtue of this act, as to every stipendiary priest and other priest, whose salary the King shall be intituled unto by this act, as to every fellow and poor parson having yearly relief out of any of the said colleges, free chapels or chantries being within the limits of their commission, such several yearly annuities,

Assigning one  
or more priests  
in a parish,  
and lands for  
their main-  
tenance.

The com-  
missioners  
shall assign  
yearly pen-  
sions to every  
governor, fel-  
low and ser-  
vant of every  
chantry, &c.  
dissolved.

pensions or other recompences during their several lives, as to the same commissioners, or two of them, shall be thought meet and convenient.

XII. And over that, the said commissioners, or two of them at the least, shall have full power and authority by virtue of this act, and of the commission to them directed, to enquire and try by such ways and means as they shall think meet and convenient, what money, profit and benefit any poor person or persons by virtue of any conveyance, assurance, composition, will, device, or otherwise, heretofore had or made, intended or meant to have continuance for ever, had or enjoyed within five years next before the beginning of this present parliament, out of any college, free chapel or chantry, and other the premises, given, limited or appointed to the King by this act, being within the limits of their commission; (2) and thereupon to make assignments and orders in such manner and form as all and singular such said money, profit and commodity shall be paid to poor people for ever, according to such said assurance, composition, will, device, or other thing had or made for the same; and to assign and appoint lands, tenements or other hereditaments, parcel of the premises, for the maintenance and continuance of the same for ever: (3) and also to appoint to fraternities, brotherhoods and guilds, lands, tenements and hereditaments, parcel of the premises, towards and for the maintenance of piers, jutties, walls or banks against the rages of the sea, havens and creeks. (4) And that all and singular annuities, pensions, and other recompences shall be half-yearly paid to the persons to whom the same ought to be paid, by the King's receiver for the time being, of his lands commonly called the suppressed lands, or other his revenues, lying in the county or city where such college, free chapel or chantry, or other the premises, given, limited or appointed to the King by this act, the first day of this present parliament were or remained, without any fee or reward therefore to be paid: the first payment to be begun at the feast of St. *Michael* the archangel next coming: (5) and that every such receiver, upon his account, shall have full and due allowance of all such annuities, pensions and other recompences by him paid, by virtue of any such assignment to be made by the said commissioners, or two of them at the least.

Money or yearly benefit assured to certain persons out of a chantry, &c, shall be so continued and paid.

Lands assigned towards the maintenance of the walls and banks of the sea.

The commissioners obligation to the favourable execution of the commission, towards the deans, &c.

The force of the commissioners assignments and ordinances.

XIII. And it is ordained and enacted by the authority of this present parliament, That the said commissioners, and every of them, that shall take upon him the execution of any of the said commissions, shall be bound, as he will answer before God; to execute the commission to him and other directed, beneficially towards the deans, masters, wardens, provosts and other incumbents and ministers aforesaid, and towards the poor people, concerning the said assignments, and also toward the maintenance of piers, jutties, walls or banks against the rages of the sea, havens and creeks. (2) and that all manner of assignments and ordinances to be made by the said commissioners, or two of them at the

least, and certified under their seals, or the seals of two of them at the least, into the King's court of the augmentations and revenues of his crown, or to any other court or courts, by the King's majesty to be made or assigned, shall by virtue of this act, and of the said commissions, be as good and effectual in the law, to all intents, constructions and purposes, as though the same had been assigned and ordained by authority of this present parliament, by exprefs and apt words, terms and sentences.

No offices, annuity or pension, shall extend to more than it did before.

XIV. Provided also, That such annuities, pensions or other recompences, that the said commissioners, or any of them, shall assign or appoint to be paid yearly to any such dean, master, warden, governor or other incumbent, fellow or minister, shall not extend to any more clear yearly value, than such dean, master, warden, provost, governor or other incumbent, fellow or minister, or his predecessor, lawfully had and enjoyed in money, meat, drink, livery or allowance of the same yearly, within five years next before the beginning of this present parliament.

His pension shall cease that is promoted to a better living.

XV. Provided also, That if any of the said masters, wardens, provosts, governors or other incumbents, fellows or ministers, shall at any time hereafter during his life be promoted by the King to any benefice or other spiritual promotion, being of a better clear yearly value than his said annuity or pension, or other recompence shall be of; that then the annuity, pension or other recompence, that any such dean, master, warden, governor, provost or other incumbent, fellow or minister that shall be so promoted shall have, shall immediately after such promotion had, cease and utterly determine.

The commissioners certificate of lands assigned to the uses aforesaid.

XVI. And be it ordained and enacted by the authority of this present parliament, That the said commissioners, or two of them at the least, to whom any commission by virtue or mean of this act shall be directed and delivered, shall be bounden upon the forfeiture, every of them of an hundred pound, to make certificate under their seals, or the seals of two of them at the least, into the said court of the augmentations and revenues of the King's crown, or into any other court, as is aforesaid, within one year next after the commission to them directed, of all manors, lands, tenements, rents, tithes, portions, pensions, hereditaments and recompences, by the same commissioners or two of them assigned or appointed to any of the uses, intents or purposes above mentioned.

The King shall have the goods of every college, chantry, &c. Latch. 38.

XVII. And also be it ordained and enacted by the authority of this present parliament, That our sovereign lord the King shall have and enjoy all such goods, chattels, jewels, plate, ornaments and other moveables, as were or be the common goods of every such college, chantry, free chapel or stipendiary priest, belonging or annexed to the furniture or services of their several foundations, or abused of any of the said corporations in the abuses aforesaid, the property whereof was not altered nor changed before the eighth day of *December* in the year of our Lord God 1547.

XVIII. And

XVIII. And it is also ordained and enacted by the authority of this present parliament, That all such debts and sums of money, as ought or should without fraud or covin hereafter be paid of the money or goods of any of the said colleges, due or payable by reason of any contract, specialty or promise had or made before the same eighth day, shall truly and fully be paid by the treasurer of the King's court of the augmentations and revenues of his crown, or by the treasurer or receiver of any other court to which any of the premises shall be appointed, of the King's treasurer, being in his or their hands, with as convenient speed as the same may be paid.

The debts of colleges shall be paid by the King.

XIX. Provided always, and be it ordained and enacted by the authority aforesaid, That this act, or any article, clause or matter contained in the same, shall not in any wise extend to any college, hostel or hall, being within either of the universities of *Cambridge* and *Oxford*; (2) nor to any chantry founded in any of the colleges, hostels or halls, being in the same universities; (3) nor to the free chapel of *St. George* the martyr, situate in the castle of *Windsor*; (4) nor to the college called *St. Maries* college of *Winchester* besides *Winchester*, of the foundation of bishop *Wickham*; (5) nor to the college of *Eaton*; (6) nor to the parish church commonly called the chapel in the see in *Newton*, within the isle of *Ely* in the county of *Cambridge*; (7) nor to any manors, lands, tenements or hereditaments to them or any of them pertaining or belonging; (8) nor to any chapel made or ordained for the ease of the people dwelling distant from the parish church, or such like chapel whereunto no more lands or tenements than the church-yard, or a little house or close doth belong or pertain; (9) nor to any cathedral church or college where a bishop's see is, within this realm of *England* or in *Wales*, nor to the manors, lands, tenements or other hereditaments of any of them, other than to such chantries, obits, lights and lamps, or any of them, as at any time within five years next before the beginning of this present parliament have been had, used or maintained within the said cathedral churches, or within any of them, or the issues, revenues or profits of any of the said cathedral churches, to which chantries, obits, lights and lamps, it is enacted by the authority aforesaid, that this act shall extend.

To which colleges, &c. this statute shall not extend.

Cathedral churches wherein any chantries, obits, lamps or lights have been maintained.

XX. And it is ordained and enacted by the authority aforesaid, That our sovereign lord the King, at any time during his life (which God long preserve) may at his will and pleasure alter and change the name or names of all and singular chantries, and the foundations of the same, being in any of the colleges, hostels or halls of any of the said universities, according as to his godly wisdom shall be thought meet and convenient:

The King may alter the names of chantries.

XXI. Saving to all and every person and persons, bodies politic and corporate, their heirs and successors, and the heirs and successors of every of them (other than the masters, wardens, ministers, governors, rulers, priests, incumbents, fellows and brethren of the said colleges, chantries, free chapels, and other

The right of strangers saved.  
2 Roll. 318,  
314.

other the premises, given, limited or appointed to the King by this act and the successors of them and every of them; (2) and other than such as be or pretend to be founders, patrons or donors of the premises or any of them; or of any part or parcel thereof, and the heirs, successors and assigns of every or any of them; (3) and other than such as be or were feoffees, recoverees, consignees, grantees or devisees of any of the premises, to or for any of the uses, purposes or intents above mentioned, or to the use of any of the said colleges, free-chapels, chantries, or other the premises, given, limited or appointed by this act to the King, or to the intent to employ the rents or profits thereof to the use of the masters, rulers, incumbents or ministers of them or any of them; (4) and other than such person and persons and bodies politick and corporate, their heirs successors and assigns, as claim or pretend to have estate, right, title, interest, use, possession or condition, of, in or to the premises or any part or parcel thereof, by reason of any feoffment, fine, bargain and sale, or by any other ways, means or conveyance to them made of any estate of inheritance, without the said late King's licence, assent, consent or agreement, and without the licence, assent or agreement of the King's majesty that now is, by any of the said deans, masters, wardens, ministers, governors, rulers, priests or incumbents, or by the founders, donors or patrons of them or of any of them) (5) all such right, title, claim, possession, interest, rents, annuities, commodities, commons, offices, fees, leases, liveries, livings, pensions, portions, debts, duties and other profits, which they or any of them lawful have, or of right ought to have, or might have had, in, of or to any of the premises, or in, of or to any part or parcel thereof, in such like manner, form and condition, to all intents, respects, constructions and purposes, as if this act had never been had or made, and as though the said chantries, colleges, and other the said promotions, had still continued and remained in their full being; (6) and saving to all and every patron, donor, founder or governor of any such college, chantry, free chapel, stipendiary priests, and other the premises, given, limited or appointed to the King by this act, and the donor, feoffor and giver of the aforesaid lands, tenements or hereditaments, to them or any of them, or to any uses or purposes before mentioned, (7) all such rents-services, rents-seck, rents-charge, fees, annuities, profits and offices; and also all leases for term of life, lives and years, whereupon the accustomed rent or more is reserved, as they or any of them lawfully had, perceived and enjoyed in, out or of any of the said promotions, or out of any of the said lands, tenements or hereditaments, before the first day of this present parliament.

Certain rents and duties saved to every donor, founder and governor of a college, chantry, &c.  
Dyer 252.

Every person that hath sold any lands due to the King by this act, shall repay the money.

XXII. And over that, it is ordained and enacted by the authority of this present parliament, That all and every person and persons being in life, which have or hath for any sum of money to him or them paid, bargained or sold any manors, lands, tenements or other hereditaments aforesaid, whereunto the

the King our sovereign lord is intituled by virtue of this act, shall repay to such person as so bought any of the said manors, lands, tenements or other hereditaments, or to his executors or assigns, upon a request therefore made, or within three months then next ensuing the same request, as much money as he or they received for the sale of any thing so by him or them sold; (2) and for non-payment thereof such person and persons as purchased or bought the said lands, tenements and other the premises, or any parcel thereof, and their executors and administrators, shall be enabled by the authority of this present parliament to sue and maintain an action of debt at the common law of this realm, against such person or persons as so bargained or sold to him or them, or to their testator, any of the premises belonging to any college, chantry, free chapel or other promotion spiritual; In which action of debt none pssion, protection or wager of law shall be admitted or allowed.

XXIII. And be it further enacted by the authority aforesaid, That all and every of the said chantries, colleges and free chapels, and other the premises, given, limited or appointed to the King by this act, and all the mansion-houses, manors, lands, tenements, possessions and hereditaments, and other the premises whatsoever they be, given, limited and appointed to the King by this act, and every part and parcel of them, which by authority and virtue of this act been vested, adjudged and deemed, or shall be in the King's majesty's possession and hands, or which the King shall be intituled unto by virtue of this act, shall be in the order, survey and governance of our sovereign lord the King's court of the augmentations and revenues of his crown, or in such other court as the King at any time hereafter shall assign, name or appoint, and so shall and may be granted, letten and set to farm by the chancellor, officers and ministers of the same court, or of any other court so to be appointed, in such manner and form as other manors, lands and tenements appointed to the same court of augmentations and revenues of his Grace's crown, or other court so to be appointed, been to be granted or letten: (2) and that all the farms, issues, revenues and profits coming and growing of the same premises, and of every part thereof, shall be taken and received to the King's use, by the officers and ministers of the same court or courts, in such manner and form as is used and had of other manors, lands and tenements, and of the issues, revenues and profits of the same, committed to the order, rule, survey and governance of the said court of the augmentations and revenues of the King's crown, or any other court so to be appointed; any act, statute, ordinance, custom or use heretofore had, made or used to the contrary notwithstanding.

XXIV. And it is further enacted by the authority aforesaid, That if any of the said masters, wardens, ministers, rulers, governors, priests, incumbents or owners of any such college, chantry, free chapel or of any the premises given, limited or appointed to the King by this act, or of any of them, thence

All chantries, free chapels, &c. lands shall be in the order of the court of augmentations.

Leases made by the governors not reserving the old rent shall be void.

the Roll. 202.

the three and twentieth day of *November* in the xxxvii. year of the reign of the said late King, have made any lease under his or their common seal or otherwise, for term of years, life or lives, of their said colleges, chantries, free chapels or of other the same premises or of any part thereof, or of any manors, lands, tenements, possessions or hereditaments whatsoever they be, to to them or to any of them united or annexed, belonging or appertaining, upon the which leases the usual and old rents and farms accustomed to be yielded and reserved, or more, by the space of twenty years next before the said three and twentieth day of *November*, are not reserved and yielded, shall be utterly void and of none effect: (2) and that all other leases and grants heretofore made of any of the premises given, limited or appointed to the King by this act, shall be as good, available and effectual in the law, to all intents, constructions and purposes as if this act had never been had or made; any thing in this act, or any other act heretofore had or made, to the contrary thereof in any wise notwithstanding.

Lands whereof the governors of any colleges, &c. were seised to their own uses.

Land, annuities, &c. not united to the said colleges, &c. but granted by King H. 8. or by the King that now is.

Every person which had rent or yearly profit out of the lands of any chantry, &c. shall enjoy them.

Dyer 313.

1 Co. 47.

Hetley 28, 41.

XXV. Provided always, and be it further ordained and enacted by the authority aforesaid, That this act or any thing therein contained shall not extend to any manors, lands, tenements, possessions or hereditaments, which the said masters, wardens, ministers, chantry priests, incumbents or other the said governors, officers, ministers or rulers of the premises or of any of them, hath or is or hereafter shall have or be possessed or seised of in fee-simple, fee-tail general or special, for term of life, term of years, or otherwise, to his or their own proper uses, by inheritance or purchase, and not being at any time united or annexed to his or their said colleges, free chapels, chantries or other the premises given, limited or appointed to the King by this act: (2) nor shall extend to any manors, lands, tenements, possessions, rents, annuities and yearly pension or pensions, or to any yearly sum or sums of money, being not united or parcel of any of the said colleges and other the premises aforesaid, or any of them, heretofore given or granted by the said late King, or given or granted, or hereafter to be given or granted by the King our sovereign lord, to any of the said deans, masters, wardens, ministers, chantry priests, incumbents, governors or rulers of the premises or of any of them, for term of life only, under his great seal of *England*, or under the seal of the court of the augmentations and revenues of the King's crown, or any other of the King's seals of any of his courts; any thing contained in this act to the contrary in any wise notwithstanding.

XXVI. Provided alway, and be it enacted by the authority aforesaid, That as well all and every patron, donor, founder and giver of any of the said promotions or premises, or giver, donor or feoffor of any their lands, tenements, possessions or other hereditaments, as all and every person and persons, bodies politick and corporate, which before the making of this act, lawfully without fraud or covin had or enjoyed any manner of

rent

rent or other yearly profits to be taken, perceived or had of any chantries, colleges, free chapels, or other the premisses given, limited or appointed to the King by this act, or out of any manors, lands, tenements or other possessions of them or any of them, shall have and enjoy the same in like manner and form as they should or ought to have done, if the said colleges, chantries, free chapels and other the premisses given, limited or appointed to the King by this act, had still remained and continued in *esse* and full being; any thing in this act mentioned to the contrary in any wise notwithstanding.

XXVII. Provided also, and be it enacted by the authority afore said, That if any such governor, ruler, warden, master, incumbent, minister or other, having any of the said spiritual promotions, or incumbents, have or shall compound for the first-fruits of any such spiritual promotions, according to the laws and statutes of this realm, and the days of payment of any part thereof not expired before the first day of this parliament, that all sums of money so to be due and payable sithence the said first day of this parliament, shall cease and be not paid asked or demanded; any bond, recognizance, surety or other thing had or made to the contrary notwithstanding.

If a governor have compounded for his first-fruits, the payment thereof shall cease.

XXVIII. Provided always, and be it enacted by the authority afore said, That all such rents, services, issues, profits and other sums of money payable out of or for any of the premisses, or any of them, in the King's court of exchequer, shall continue and be continually and yearly levied, charged or paid in the same court, in such manner and form as heretofore hath been used; any law, custom, unity of possession in the King's highness, or other thing to the contrary notwithstanding, and as though the said promotions, manors, lands, tenements and other the premisses had not come to the King's hands or possession.

Money payable out of the premisses yearly into the exchequer.

XXIX. And be it further enacted by the authority afore said, That all and every letters patents made by the said late King *Henry* the Eighth, or by the King's majesty that now is, or hereafter to be made by his Highness, to any person or persons, or to any archbishop or bishop, of any of the said colleges, chantries, free chapels or other the premisses, or any part or parcel of them, or of any lands, tenements or hereditaments belonging or appertaining, or that did belong or appertain to them or to any of them, and all fines, gifts, grants, feoffments, recoveries and all other assurances and conveyances thereof had or made by the assent, consent or licence under the great seal of *England*, of the said late King *Henry* the Eighth, or of the King's majesty that now is, to any person or persons, bodies politick or corporate, by any chantry priest, master, warden, minister, ruler, governor, or other having any of the said promotions, of any of the said colleges, chantries, free chapels or other the premisses, or any of them, or of any part, parcel or member of the same, shall stand and be in their forces and effects, and shall be good and effectual in the law for such

Assurances made by King H. 8. or King Ed. 6. or by the licence of either of them, of any colleges, &c. or their lands.

estates

estates and interests given, granted, limited or appointed in any of the gifts, grants, assurances or conveyances thereof had or made, according to their purport, form and matter, and according to the true intent and meaning of the same assurances, (2) and shall be by authority of this act good, perfect and available, as well against the King, his heirs and successors, as against the said chantry priests, wardens, masters, rulers, governors and other having any of the said promotions, and their successors and the successors of every of them, as also against the founders, donors and patrons of the same, and the ordinary of them and of every of them, and the heirs and successors of every of them; any law, statute, ordinance or other thing to the contrary thereof notwithstanding.

XXX. And where divers and sundry bishops, deans, archdeacons, treasurers, prebendaries, chantry priests, masters, provosts, rulers, governors of any deaneries, archdeanaries, treasurer-ships, prebends, free chapels, chantries or colleges within this realm of England and other the King's majesty's dominions, or any of the patrons, founders, donors of any of the bishopricks, treasurer-ships, deaneries, chantries, free chapels or other the said spiritual promotions, of their voluntary wills or minds, for divers good and reasonable causes and considerations, by deed or deeds enrolled, or by other writings or conveyances, heretofore given and granted to the late King of famous memory, Henry the Eighth late King of England, and to his heirs, or to our sovereign lord the King that now is, and to his heirs, divers of their deaneries, archdeanaries, treasurer-ships, prebends, chapels, chantries and colleges, or any other ecclesiastical or spiritual promotions last before remembered; and all or some part of the manors, lands, tenements, tithes, pensions, annuities, rents, reversions and other revenues, hereditaments, possessions, emoluments and profits to the same bishopricks, deaneries, archdeanaries, treasurer-ships, prebends, chapels, chantries, colleges and other like promotions, benefices, offices and dignities, or to any of them belonging, appertaining, united or annexed, or which the said bishops, deans, archdeacons, treasurers, chantry priests, masters, provosts, rulers, governors and other ecclesiastical or spiritual officers or ministers, or any of the said patrons, donors or founders or any of them, had or enjoyed in the right, or by reason of any of the same promotions, offices or dignities.

A confirmation of all grants made to the King of any spiritual promotions by the governors thereof.

21 Co. 78.

XXXI. Be it enacted by the authority aforesaid, That all and every gifts and grants heretofore made to the said late King and to his heirs, or to our sovereign lord the King that now is and to his heirs, by any archbishop, bishop, dean, archdeacon, treasurer, prebendary, master, provost, governor or other the said ecclesiastical or spiritual person or persons, or by any patrons, donor or founder of any of the said deaneries, chantries or other of the said spiritual or ecclesiastical promotions, or of all or any of the manors, lands, tenements, tithes, rents, reversions, pensions, portions, annuities or other hereditaments, revenues, emoluments, profits or commodities to any of the said benefices, offices, prebends, promotions or dignities belonging, appertaining, united or annexed, or which any

any of the same archbishops, bishops, deans, archdeacons, treasurers, masters, provosts, prebendaries, rulers, governors, officers or ministers, patrons, founders or donors, had or enjoyed or have or enjoy, or ought to have or enjoy in the right, or by reason or means of any of the same promotions, offices or dignities, shall be good and effectual in the law to all intents and purposes: (2) saving to all and every person and persons and bodies politick and corporate, their heirs, successors and assigns, and to the heirs, successors and assigns of every of them (other than the archbishops, bishops, deans, archdeacons, treasurers, prebendaries, rulers, governors, wardens, provosts, givers and granters of any of the premises, and their heirs, successors and assigns; and other than such ecclesiastical or spiritual person, bodies politick or corporate, as are or pretend to be founders, donors, patrons or ordinaries of the premises, or any of them) (3) all such rights, titles, interests, claims, entries, rents, reversions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities and emoluments, as they or any of them have or should or ought to have had, of, in or to the premises next above mentioned or any part thereof, as if this act had never been had or made; any thing in this act to the contrary in any wise notwithstanding.

A saving of the right of others.

XXXII. Provided always, That this act, or any thing therein contained, shall not in any wise extend to make good or effectual any gift, grant, bargain, sale, or alienation made by any parson or vicar of their parsonages or vicarages, or of any part or parcel thereof, or of any thing to them or any of them belonging or appertaining.

This act extendeth not to a parson or vicar.

XXXIII. Provided also, That this act, or any thing therein contained, shall not in any wise extend to hinder or prejudice *George Brook*, knight, lord *Cobham*, his heirs or assigns, for or concerning the late college of *Cobham* in the county of *Kent*, or the manors, lands, tenements, or possessions thereof; any thing above mentioned to the contrary in any wise notwithstanding.

Lord Cobham for the college of Cobham.

XXXIV. Provided also, and be it enacted by the authority aforesaid, That this present act, nor any thing therein contained, shall in any wise extend or be prejudicial or hurtful to the general corporation of any city, borough or town within this realm, or any other the King's dominions, ne shall extend to any the lands or hereditaments of them or any of them; any thing herein contained to the contrary in any wise notwithstanding.

This shall not extend to the corporation of a city, borough or town.

XXXV. Provided also, and be it enacted by the authority aforesaid, That all such of the said colleges, free chapels, chantries or other the premises, being appointed and given to the King's highness by the authority of this act, as be within the duchy of *Lancaster*, and all manors, lands, tenements and hereditaments pertaining or belonging to the same colleges, free chapels, and chantries, shall after the said feast of *Easter* Dyer 232.

Colleges, chantries, &c. within the duchy of Lancaster.

next

next coming, be within the survey and order of the court of the duchy of *Lancaster*, in such manner and form as other the premises be assigned or appointed by authority of this act to be in the survey and order of the court of the augmentations and revenues of the King's crown, or other court by the King to be assigned; (2) and that all commissions that hereafter shall be awarded by virtue and force of this act concerning such colleges, free chapels, chantries and other the premises as be within the said duchy of *Lancaster*, shall be awarded under the great seal of *England*, and shall be certified into the same court of the duchy of *Lancaster*; any thing above said to the contrary in any wise notwithstanding.

The college or chantry of Attleborough in Norfolk.

XXXVI. Provided always, and be it enacted by the authority aforesaid, That this act, ne any thing therein contained, shall extend to the college or chantry of *Attleborough* in the county of *Norfolk*, which the said late King *Henry* the Eighth gave to *Robert* late earl of *Suffex* and to his heirs; but that *Henry* now earl of *Essex*, son and heir to the said late earl, his heirs and assigns, shall and may by the authority of this act have and enjoy the said college and chantry, and all manors, lands, tenements, advowsons, tithes, pensions, portions and other hereditaments thereunto belonging or appertaining; any thing in this act to the contrary in any wise notwithstanding.

Altering the nature and condition of obits.

XXXVII. Provided always, and by the authority aforesaid be it enacted, That the King's majesty at any time when it shall seem to him good, may give authority to certain his Grace's commissioners, to alter the nature and condition of all manner of obits, as well within the universities of *Cambridge* and *Oxford*, as in any other place within this his Grace's realm of *England* and *Wales*, being not suppressed ne annihilate by virtue of this present act, and the same obits so altered to dispose to a better use, as to the relief of some poor men being students, or otherwise.

No person shall take advantage of any condition for not finding of any priest, obit, light, &c.

XXXVIII. Provided also, and be it enacted by authority aforesaid, That it shall not be lawful to any person or persons, bodies politick or corporate, by reason of any remainder, use or condition, to enter into, claim or challenge any lands, tenements or hereditaments, for the non-doing, not naming or non-finding of any such priest or priests or poor folks as is aforesaid, obit, anniversary, light or lamp from henceforth to be founded or done; any thing herein contained to the contrary in any wise notwithstanding.

This statute shall give no copyhold land to the King.

XXXIX. Provided always that this act, nor any thing therein contained, shall in any wise extend to any lands, tenements, possessions or hereditaments whatsoever, that any master, dean, prebendary, warden or chantry or any stipendiary priest of any college, chantry, prebend, fraternity, guild or any other corporations, have or held of any person or persons by copy of court roll, or at will according to the custom of any manor

or manors; nor give or grant any copyhold lands to the King's highness.

XL. And also provided that the King's highness, his heirs <sup>Who shall</sup> or successors shall not in any wise have, hold, or enjoy or take <sup>have the copy-</sup> by virtue of this act or any article therein contained, any manner of copyhold lands, tenements, possessions or hereditaments whatsoever they be; but that all and every of the said persons and incumbents shall have, hold and enjoy the same during their lives towards their pension and yearly living, paying their rents and doing their customs and services thereof due and accustomed; any thing in this act to the contrary notwithstanding.

XLI. Provided that this act shall not extend to any lands, <sup>Lands re-</sup> tenements or hereditaments assigned, appointed or intended <sup>covered from</sup> for the finding and maintenance of any chantry priest or stipendiary priest, which by any former right and good title without fraud or covin were lawfully recovered from the possession of any such chantry priest or stipendiary priest before the first day of *October* in the said seven and thirtieth year of the reign of the said late King *Henry* the Eighth, which lands, tenements and hereditaments were not charged nor chargeable to the payment of the perpetual tenth; any thing in this act to the contrary hereof notwithstanding.

XLII. Provided always, and be it enacted by the authority <sup>A confirma-</sup> aforesaid, That all and singular grants, licences, confirmations <sup>tion of letters</sup> and letters patents which our late sovereign lord King *Henry* <sup>patents made</sup> the Eighth, or our sovereign lord the King that now is, have <sup>by King H. 8.</sup> made under the great seal of *England* to any person or persons, <sup>or King Ed. 6.</sup> bodies politick or corporate, of any college, chapel or chantry <sup>of any chan-</sup> now being *in esse* or standing, or now not being *in esse* or not <sup>try, &c. or of</sup> standing, or of any lordships, manors, lands, tenements and <sup>lands united</sup> hereditaments annexed, united, belonging or appertaining to <sup>to them.</sup> any college, chapel or chantry now being *in esse* or standing, or now not being *in esse* or not standing, or of any other thing or things mentioned or expressed in this act, and all and every matter and thing mentioned, expressed or contained in any such grant, licence, confirmation or letters patents, shall from henceforth be deemed, taken, expounded and judged good and effectual in the law, according to the words, sentences, meanings, intents, form and effects of the same grants, licences, confirmations and letters patents, to all intents, constructions and purposes, as if this act, and the said act made in the said seven and thirtieth year of the said late King *Henry* the Eighth, had never been had or made: (2) and that this act, or the said act made in the said seven and thirtieth year of the reign of our said late sovereign lord King *Henry* the Eighth, or any clause, article, sentence or other thing therein contained, shall not extend to any colleges, chapels, chantries or other thing or things mentioned in this act, now being *in esse* or standing, or now not being *in esse* or not standing, or to any manors, lands, tenements, possessions, revenues or hereditaments annexed, united, <sup>37 H. 8. c. 4.</sup> belonging

belonging or appertaining to any college, chapel, chantry or other thing mentioned in this act, now being *in esse* or standing, or now not being *in esse* or not standing, or to any other thing or things mentioned, or expressed in this act which any person or persons, bodies politick or corporate have had or obtained by the assent, licence, confirmation, grant or letters patents of the said late King, or of the King's majesty that now is; nor shall extend to any manors, lands, tenements, revenues, possessions, hereditaments or other thing or things mentioned, expressed or contained in any such licence, confirmation, grant or letters patents: (3) but that every such person and persons, bodies politick and corporate, their heirs successors and assigns and the heirs successors and assigns of every of them, shall have, hold and enjoy all and every the same colleges, chapels, chantries, manors, lands, tenements, revenues, possessions and hereditaments, and all and every other thing and things whatsoever, so by them had or obtained by the assent, licence, confirmation, grant or letters patents of the said late King, or of the King's majesty that now is, according to the words, sentences, form, effect, meaning and intent of the same licences, confirmations, grants and letters patents; this act, or the said act made in the said seven and thirtieth year of the reign of the said late King *Henry the Eighth*, or any clause, article, sentence, matter or thing mentioned, expressed or contained in any of the same acts to the contrary thereof in any wise notwithstanding.

## C A P. XV.

The King's general and free pardon confirmed by parliament, except, &c.

*Anno secundo & tertio Edwardi sexti.*

**A**CTS made in the second session of this present parliament holden upon prorogation at Westminster the (twenty) <sup>†</sup> fourth day of November in the second year of our most dread sovereign lord Edward the Sixth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, and there continued and kept to the fourteenth day of March in the third year of our said sovereign lord, as followeth.

(†) In the parliament journal it is the twenty-fourth. See Dyer 171. Yelv. 127. 2 Kob. 34.

## C A P. I.

An act for uniformity of service and administration of the sacraments throughout the realm.

Revised by 1 Eliz. c. 1. l. 14.

**W**HERE of long time there hath been had in this realm of England and in Wales divers forms of common prayer, commonly called the service of the church; that is to say, the use of Sarum, of

of York, of Bangor, and of Lincoln; and besides the same now of late much more divers and sundry forms and fashions have been used in the cathedral and parish churches of England and Wales, as well concerning the matters or morning prayer and the even-song, as also concerning the holy communion, commonly called the mass, with divers and sundry rites and ceremonies concerning the same, and in the administration of other sacraments of the church: (2) and as the doers and executors of the said rites and ceremonies, in other form than of late years they have been used, were pleased therewith: So other not using the same rites and ceremonies were thereby greatly offended: (3) and albeit the King's majesty, with the advice of his most entirely beloved uncle the lord protector, and other of his Highness council, hath heretofore divers times assayed to stay innovations or new rites concerning the premisses; yet the same hath not had such good success as his Highness required in that behalf; whereupon his Highness by the most prudent advice aforesaid, being pleased to bear with the frailty and weakness of his subjects in that behalf, of his great clemency hath not been only content to abstain from punishment of those that have offended in that behalf, for that his Highness taketh that they did it of a good zeal; but also to the intent a uniform quiet and godly order should be had concerning the premisses, hath appointed the archbishop of Canterbury, and certain of the most learned and discreet bishops, and other learned men of this realm, to consider and ponder the premisses; (4) and thereupon having as well eye and respect to the most sincere and pure christian religion taught by the scripture, as to the usages in the primitive church, should draw and make one convenient and meet order, rite and fashion of common and open prayer and administration of the sacraments, to be had and used in his Majesty's realm of England and in Wales; the which at this time, by the aid of the Holy Ghost, with one uniform agreement is of them concluded, set forth and delivered to his Highness, to his great comfort and quietness of mind, in a book intituled, The book of the common prayer and administration of the sacraments, and other rites and ceremonies of the church, after the use of the church of England. (5) Wherefore the lords spiritual and temporal, and the commons, in this present parliament assembled, considering as well the most godly travel of the King's highness, of the lord protector, and of other his Highness council, in gathering and collecting the said archbishop, bishops and learned men together, as the godly prayers, orders, rites and ceremonies in the said book mentioned, and the considerations of altering those things which be altered, and retaining those things which be retained in the said book, but also the honour of God and great quietness, which by the grace of God shall ensue upon the one and uniforme rite and order in such common prayer and rights and external ceremonies to be used throughout England and in Wales, at Calais and the marches of the same, do give to his Highness most hearty and lowly thanks for the same: (6) and humbly prayen, that it may be ordained and enacted by his Majesty, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That all and singular person and persons that have offended concerning the premisses, other than such person

The penalty for not using uniformity of service, and administration of sacraments, &c.

Innovators not punished, for that they did it upon good zeal.

The book of common prayer by the aid of the Holy Ghost, is set forth by the bishops and learned men of the realm.

The penalty  
for not using  
the book of  
common  
prayer, and  
other rites  
and ceremonies,  
according to the use  
of the church  
of England.

Using any  
other manner  
of prayer.

The penalty  
for depraving  
the book or  
anything contained  
therein.

The penalty  
for the first  
offence.

The penalty  
for the second  
offence.

person and persons as now be and remain in ward in the Tower of London, or in the Fleet, may be pardoned thereof; (7) and that all and singular ministers in any cathedral or parish church or other place within this realm of *England, Wales, Calais*, and the marches of the same or other the King's dominions, shall, from and after the feast of *Pentecost* next coming, be bounden to say and use the mattens, evensong, celebration of the Lord's Supper, commonly called the mass, and administration of each of the sacraments, and all their common and open prayer, in such order and form as is mentioned in the same book, and none other or otherwise. (8) And albeit that the same be so godly and good, that they give occasion to every honest and conformable man most willingly to embrace them, yet lest any obstinate person who willingly would disturb so godly order and quiet in this realm should not go unpunished, that it may also be ordained and enacted by the authority aforesaid, That if any manner of parson, vicar or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, shall after the said feast of *Pentecost* next coming refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church or other places as he should use or minister the same, in such order and form as they be mentioned and set forth in the said book; (9) or shall use wilfully and obstinately standing in the same, any other rite, ceremony, order, form or manner of mass openly or privily, or mattens, evensong, administration of the sacraments or other open prayer than is mentioned and set forth in the said book: (open prayer in and throughout this act, is meant that prayer which is for other to come unto or hear either in common churches or private chapels or oratories, commonly called the service of the church) (10) or shall preach, declare or speak any thing in the derogation or depraving of the said book, or any thing therein contained, or of any part thereof; (11) and shall be thereof lawfully convicted according to the laws of this realm, by verdict of twelve men or by his own confession, or by the notorious evidence of the fact, (12) shall lose and forfeit to the King's highness, his heirs and successors, for his first offence, the profit of such one of his spiritual benefices or promotions as it shall please the King's highness to assign or appoint, coming and arising in one whole year next after his conviction: (13) and also that the same person so convicted shall for the same offence suffer imprisonment by the space of six months, without bail or mainprise: (14) and if any such person once convicted of any such offence concerning the premisses, shall after his first conviction afterwards offend and be thereof in form aforesaid lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, (15) and also shall therefore be deprived *ipso facto* of all his spiritual promotions; (16) and that it shall be lawful to all patrons, donors and grantees of all and singular the same spiritual

ritual promotions, to present to the same any other able clerk, in like manner and form as though the party so offending were dead: (17) and that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premisses the third time, and shall be thereof in form aforesaid lawfully convicted; that then the person so offending and convicted the third time, shall suffer imprisonment during his life. (18) And if the person that shall offend and be convict in form aforesaid concerning any of the premisses, shall not be beneficed nor have any spiritual promotion, that then the same person so offending and convict shall for the first offence suffer imprisonment during six months, without bail or mainprife: (19) and if any such person not having any spiritual promotion, after his first conviction shall afterwards offend in any thing concerning the premisses, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

The penalty for the third offence.

II. And it is ordained and enacted by the authority above said, That if any person or persons whatsoever, after the said feast of *Pentecost* next coming, shall in any enterludes, plays, songs, rhimes, or by other open words declare or speak any thing in the derogation, depraving or despising of the same book or of any thing therein contained, or any part thereof; (2) or shall by open fact, deed or by open threatnings, compel or cause, or otherwise procure or maintain any parson, vicar or other minister in any cathedral or parish church, or in any chapel or other place, to sing or say any common and open prayer, or to minister any sacrament otherwise or in any other manner or form than is mentioned in the said book; (3) or that by any of the said means shall unlawfully interrupt or let any parson, vicar or other ministers in any cathedral or parish church, chapel or any other place, to sing or say common and open prayer, or to minister the sacraments, or any of them; in any such manner and form as is mentioned in the said book; (4) That then every person being thereof lawfully convicted in form aforesaid, shall forfeit to the King our sovereign lord, his heirs and successors, for the first offence ten pounds. (5) And if any person or persons being once convicted of any such offence, afterwards offend against any of the premisses, and shall in form aforesaid be thereof lawfully convicted, that then the same persons so offending and convict shall for the second offence forfeit to the King our sovereign lord, his heirs and successors, twenty pounds: (6) and if any person after he in form aforesaid shall have been twice convict of any offence concerning any of the premisses, shall offend the third time, and be thereof in form aforesaid lawfully convicted, that then every person so offending and convict shall for his third offence forfeit to our sovereign lord the King all his goods and chattels, and shall suffer imprisonment during his life: (7) and if any person or persons, that for his first offence concerning the premisses shall be convict in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form

The penalty by plays, songs or tunes, to deprave the book of common prayer, or to compel any to use other prayer.

The penalty for the first offence.

The penalty for the second offence.

The penalty for the third offence.

as the same ought to be paid, within six weeks next after his conviction; that then every person so convicted, and so not paying the same, shall for the same first offence, instead of the said ten pound, suffer imprisonment by the space of three months without bail or mainprise. (8) And if any person or persons, that for his second offence concerning the premises shall be convicted in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall for the same second offence, in the stead of the said twenty pounds, suffer imprisonment during six months, without bail or mainprise.

Justices of  
oyer, deter-  
miner and  
assise shall  
have power to  
hear and de-  
termine those  
offences.

III. And it is ordained and enacted by the authority aforesaid, That all and every justices of *oyer* and *determiner*, or justices of assise, shall have full power and authority in every of their open and general sessions to enquire, hear and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

A bishop may  
join with the  
justices.

IV. Provided always, and be it enacted by the authority aforesaid, That all and every archbishop and bishop shall or may at all time and times at his liberty and pleasure join and associate himself by virtue of this act to the said justices of *oyer* and *determiner*, or to the said justices of assise, at every of the said open and general sessions to be holden in any place within his diocese, for and to the enquiry, hearing and determining of the offences aforesaid.

Who may use  
prayers in  
another lan-  
guage.

V. Provided always, That it shall be lawful to any man that understandeth the *Greek*, *Latin* and *Hebrew* tongue, or other strange tongue, to say and have the said prayers heretofore specified of mattens and even-song in *Latin*, or any such other tongue, saying the same privately, as they do understand.

VI. And for the further encouraging of learning in the tongues in the universities of *Cambridge* and *Oxford*, to use and exercise in their common and open prayer in their chapels (being no parish churches) or other places of prayer, the mattens, even-song, litany, and all other prayers, (the holy communion, communion called the mass, excepted) prescribed in the said book, in *Greek*, *Latin* or *Hebrew*; any thing in this present act to the contrary notwithstanding.

VII. Provided also, That it shall be lawful for all men, as well in churches, chapels, oratories or other places, to use openly any psalms or prayer taken out of the Bible, at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said book.

When the ser-  
vice books shall  
be gotten.

VIII. Provided also, and be it enacted by the authority aforesaid, That the books concerning the said services shall at the  
costs

costs and charges of the parishioners of every parish and cathedral church be attained and gotten before the feast of *Pentecost* next following, or before; (2) and that all such parishes and cathedral churches, or other places where the said books shall be attained and gotten before the said feast of *Pentecost*, shall within three weeks next after the said books so attained and gotten use the said service, and put the same in ure according to this act.

IX. And be it further enacted by the authority aforesaid, That no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above mentioned, hereafter to be committed or done contrary to this act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such of the justices of *oyer* and *determiner*, or justices of assize, next after any offence committed or done contrary to the tenor of this act.

X. Provided always, and be it ordained and enacted by the authority aforesaid, That all and singular lords of the parliament, for the said offences above mentioned, shall be tried by their peers.

XI. Provided also, and be it ordained and enacted by the authority aforesaid, That the mayor of *London*, and all other mayors, bailiffs and other head officers of all and singular cities, boroughs and towns corporate within this realm, *Wales*, *Calais*, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this act to enquire, hear and determine the offences above said, and every of them yearly, within fifteen days after the feast of *Easter* and St. *Michael* the archangel, in like manner and form as justices of assize and *oyer* and *determiner* may do.

XII. Provided always, and be it ordained and enacted by the authority aforesaid, That all and singular archbishops and bishops and every of their chancellors, commissaries, archdeacons and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this act, as well to enquire in their visitations, synods, and elsewhere within their jurisdiction, at any other time and place, to take accusations and informations of all and every the things above mentioned, done, committed or perpetrate, within the limits of their jurisdiction and authority, and to punish the same by admonition, excommunication, sequestration or deprivation, and other censures and process, in like form as heretofore hath been used in like cases by the King's ecclesiastical laws.

XIII. Provided always, and be it enacted, That whatsoever person offending in the premises shall for the first offence receive punishment of the ordinary, having a testimonial thereof under the said ordinaries seal, shall not for the same offence afterwards be convented before the justices; and likewise receiving for the said first offence punishment by the justices, he shall not

Chief officers of cities and corporate towns may hear and determine these offences.

The offences inquirable and punishable by the ecclesiastical jurisdiction.

But once punished for one offence.

for the same offence esfoons receive punishment of the ordinary; any thing contained in this act to the contrary notwithstanding.

*The statute was confirmed by 5 & 6 Ed. 6. c. 1. and repealed by 1 M. sess. 2. c. 2. which act of 1 M. is repealed by 1 Eliz. c. 2. and 1 Jac. 1. c. 28. f. 48. and this act so far as it relates to the church is made perpetual by 5 Annæ c. 5.*

## CAP. II.

*An act for the reformation of captains and soldiers serving in the wars.*

Captains and soldiers not doing their true service, and neglecting their offices, shall be punished.

**W**HERE before this time divers of the King's majesty's loving and obedient subjects according to their bounden duties, have assigned, appointed and sent forth, as well into the parts beyond the seas and to the seas, as also into Scotland and other places, divers times both within this realm and without this realm, many able persons or soldiers well furnished with good horses and harnesses meet to serve the King in wars, to their great charges and costs; yet some of the said soldiers so sent to serve, contrary to their said masters expectation, and contrary to their bounden duties to the King's highness, have sold, lost, exchanged or altered their masters horse and harness, or otherwise by deceit or covin converted the same; by mean whereof the King's highness hath not only been destitute of the same soldiers in time of need, but also the owners of the said horses and harnesses, who sent them thither, have been untruly deceived of their horses and harnesses, being thereby less able to re-furnish other the like soldiers with horses and harnesses, at such time as they shall be thereunto commanded by the King's highness.

II. And sometimes the captains of such soldiers departed have demanded, had and taken of the King's highness wages for the same soldiers so departed, by mean whereof the King's majesty hath sustained and borne great payments, and yet his majesty hath not been truly served for the same, not a little to the displeasure of the King, and to the great charge of the poor subjects being commanded to set forth such soldiers:

III. For remedy whereof, be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any soldier hereafter serving the King in his wars in any his dominions, or on the seas or beyond the seas, or in Scotland, after the first day of April next coming, do sell, give away or wilfully purloin, or otherwise exchange, alter or put away any horse, gelding or mare, or any harness, wherewith he shall be set forth; that then every such soldier so offending, upon due proof or testimony to be taken before the lieutenant, high admiral, the King's deputy, vice-admiral, warden or captain, and in their absence before any of their deputies, shall be imprisoned by the same lieutenant, or any other before named, there to remain without bail or mainprize until he have satisfied to the party, owner of the horse, gelding,

The penalty of a soldier that maketh away his horse or harness  
4 & 5 Ph. & M.  
c. 2.

gelding, mare or harness so by him sold, purloined, exchanged, wilfully lost, altered or otherwise made away.

IV. And if such soldier so offending fortune to escape from the lieutenant, and other the foresaid persons, without the punishment and restitution aforesaid, that then the same soldier, upon complaint made by the party grieved, or his executors or administrators, upon due proof thereof to be made to any justice or justices of peace, in the parts where such soldiers so offending shall be found, shall be by such justice or justices committed to ward, there to remain without bail or mainprise until he have satisfied the party grieved, his executors or administrators, of and for such horses, geldings or mares, and harness so by any such soldier wilfully lost, exchanged, altered or otherwise purloined.

V. Provided alway, That if the said soldier bring any sufficient warrant or testimony before the said justice from the said lieutenant, or of any of the persons above named, in writing under the seal of any of them, testifying that the same horse or harness were lost in the King's service against the will of the said soldier, or that the same horse or harness was taken by the same lieutenant, or any of the others before named, from the said soldier, for any reasonable respect, and appointed to some other to serve in the place and stead of the said soldier; that then every such soldier not bringing to the owner the said horse and harness shall be discharged thereof against the owner thereof: and that then every such soldier to whom the said horse and harness shall be appointed, as is aforesaid, not bringing home to the owner the said horse and harness, after he shall be discharged, to suffer like pain as is aforesaid.

A remedy if the horse or harness be lost, or appointed to another.

VI. And be it also further enacted by the authority aforesaid, That if any soldier serving as is aforesaid, depart without licence of his lieutenant or any of the other above named, with booty or otherwise, being in the enemies country, or elsewhere in the King's service, or out of any garrison where he or they shall be appointed to serve, that then every such soldier so departing without licence to be taken and judged as a felon, and to be executed as in cases of felony, without having any advantage of his clergy or sanctuary; (2) and that the justices of every shire where any such soldier shall be taken, shall have full power to enquire, hear and determine all and every the said offences concerning every such departure, as they do and may in other cases of felony committed in the shire where such soldier shall be taken.

It shall be felony for a soldier to depart from his captain without licence.

18 H. 6. c. 19. Repealed as to the felony by 1 M. Sess. 11 c. 1. and revived by 4 & 5 Ph. & M. c. 3. s. 9.

VII. And be it also further enacted by the authority aforesaid, That if any commissioner or captain, to whom the King shall direct his commandment by commission or letters, for the levying or setting forth of any man to serve the King in his wars, shall at any time after the first day of April, for any gain, reward or other lucre, discharge any person or persons by him appointed to serve the King as a captain, soldier or pioneer, of his service so appointed, and do assign any other person or persons in

The penalty of a commissioner licensing a soldier to depart, and assuming another for gain,

his or their stead for any lucre or gain, as is aforesaid, that then every commissioner or other person so offending shall forfeit to the King, for every such default of every man so discharged, twenty pound, to be levied of his goods and chattels.

A captain licensing one in his retinue to depart.

VIII. And be it also enacted by the authority aforesaid, That if any captain being appointed to have the order of any number of soldiers under any other higher officer, do for any cause licence any soldier in his retinue to depart from the field or fortres where they shall be appointed to serve, without the special assent and licence in writing of the lieutenant, or the others before named, shall forfeit and lose for every such soldier so by him licensed to depart, twenty pound, to be levied as is aforesaid, to the use of the King.

A captain demanding more wages for his soldiers than there is cause.

IX. And be it also enacted by the authority aforesaid, That if any lieutenant, or any other before named, having the order of any number of soldiers serving as is aforesaid, upon the sea or land, do at any time after the said first day of *April* demand, receive or take of the King's highness, or any of his treasurers, any wages for any more soldiers than served in such manner and form as the wages was paid for, or for any more days than such soldiers served, and do not note the day of every soldier's entry into wages, and day of his death and departure, and deliver the same to such treasurers as shall pay the said wages every month in writing, so as the truth of the number of the soldiers may appear to the King's treasurer and master of the King's musters for the time being in that behalf, that then every such lieutenant, and other before named, so offending, shall forfeit and lose to the King, for every such default, five pound, to be levied as is aforesaid to the use of the King, and to be imprisoned by the space of one month, and to lose his room and office.

None but the lieutenant shall give a soldier licence to depart.

X. And be it enacted by the authority aforesaid, That no captain after the said first day of *April* shall give to any of his soldiers, appointed to serve under him in any town or fortres kept with garrisons of soldiers, any licence or passports to depart from his service, but only the lieutenant, or any others as is aforesaid, upon pain of imprisonment as well of the captain as soldier so offending, at the discretion of the said lieutenant or the others before named.

Proclamation of this act.

XI. And be it further enacted by the authority aforesaid, That every lieutenant and other before named, upon the pain of ten pound, shall cause to be proclaimed the whole effect and contents of this act, that is to say, every lieutenant of any army in every field under his charge to proclaim this act every month, and that every of the King's deputies of every fortres, and captain of any other fortres, to proclaim this act within his charge once every quarter of a year.

Reward for informing of offences.

XII. And also be it enacted by the authority aforesaid for the better execution of the premisses, That every person or persons giving to the lieutenant, or the others above named, true information of any of the offences above remembred, shall have for his labour one month's wages of him that shall be found faulty,

to

to be paid by the hand of the treasurer upon warrant of the said lieutenant or any of the others aforesaid.

XIII. Provided always, That nothing herein contained shall in any wise extend to touch or infringe any orders established for the government of *Calice* and the marches of the same, or any other place of the King's now governed or hereafter to be governed by the same orders, or by such orders as may please his Grace hereafter to set forth for the same.

XIV. Provided always, and be it enacted by the authority aforesaid, That it shall be lawful for all and every of the said lieutenants, and other the said persons, to retain in his or their own hands, to their own use, of the wages of his or their soldiers, the sums following, that is to say, vi. s. viij. d. for the livery or coat of every yeoman soldier, and xij. s. iv. d. for the livery or coat of every gentleman soldier for one whole year. Retaining of wages.

XV. Provided always, and be it further ordained and enacted by the authority aforesaid, That no manner of lieutenant, or any other the said persons, shall hereafter be charged or prejudiced by virtue of this act or any thing therein contained, for lack of his or their number retained, as is aforesaid, for or concerning any soldier or soldiers as shall happen to die during his service, or to be sick by the visitation of God, or that shall depart against the will of his lieutenant or other before named, unless it shall be in the default of any of them. In what cases a lieutenant shall not be prejudiced for lack of his number.

XVI. Provided always, that this act be not prejudicial nor hurtful to the said lieutenant or any other the said persons, or any other having under them retinue of soldiers, nor any of them, for non-payment of the King's wages to their household servants and other to whom they shall daily find and give meat and drink during the said service of war. Household servants shall not be comprised in this act.

XVII. Provided always that this act, nor nothing therein contained, shall extend to charge any person or persons for the taking or receiving of any gift or reward of any of his or their tenants or friends, towards the relief, aid or help of the same persons being commanded by the King's majesty to serve in wars, or otherwise to find men on horseback or on foot, as well within this realm as without: (2) nor for the gift, reward, aid or help reserved or covenanted to be paid or given to any person appointed to serve in wars, or to find horse or men to serve, by reason of any grant, covenant, reservation, custom or tenure. Relief of tenants or friends. See 4 & 5 Ph. & M. c.3. f.10.

XVIII. Provided that this act, nor any thing therein contained, shall not extend to charge any lieutenant or others above named, for detaining or retaining any part of any the said soldiers wages, toward or for the payment of victuals, harness, weapons, or for any prest money provided and delivered to any such soldier. Lawful causes of detaining wages from soldiers.

#### CAP. III.

No purveyor or other person, by authority of any commission or other warrant, shall, during three years next, purvey or take for the provision of the King's household, his sisters, or any other persons, any corn, beeves, muttons, &c. wood,

coal, straw, hay, or any kind of victuals, without the full consent of the owner, and at such price for ready money as the owner and purveyor can agree; or shall take for any of the King's affairs, or the wars, or otherwise, any goods, chattels or other things whatsoever, (saving barges, ships, carts and things necessary for carriages) without consent of the owner, and at such prices for ready money as the owner and purveyor can agree, except post-horses, for which shall be paid a penny a mile. And if any taker or other person shall offend in any point contrary to the ordinance aforesaid, he shall forfeit to the party grieved treble the value of the thing taken, suffer imprisonment a quarter of a year, and make fine at the King's pleasure. The King will allow to the owner of every cart taken for his household, four-pence a mile, and for the wars and other carriages, three-pence a mile.

## CAP. IV.

*An act for the sheriffs of England to have certain allowances upon their accompts.*

Sheriffs upon their accompts in the exchequer, upon their oath taken, shall be discharged of all such monies as they cannot levy, and shall have their due allowances.

**M**OST humbly beseechen the King's most excellent Majesty, his true and faithful subjects, the commons in this present parliament assembled, That where in the parliament begun at Westminster, the sixteenth day of January in the three and thirtieth year of the reign of our late sovereign lord of famous memory, King Henry the Eighth, and by prorogation holden at Westminster the two and twentieth day of January in the four and thirtieth year of the reign of our said late sovereign lord, and there continued until the twelfth day of May in the five and thirtieth year of the reign of the said late King, upon divers and sundry considerations, there was enacted and made an act by the authority of the same parliament, concerning the accompt or accompts of sheriffs to be made in the exchequer, as in the same act more plainly at large it is contained:

II. And albeit it was meant at the time of the making of the said act, as it may appear by the words of the said act, That sheriffs should not be charged upon their accompts, but only with such sums of money as they might lawfully levy; (2) and also that the said sheriffs should have allowance, not only for all such charges and expences as they shall sustain and bear for the diets and charges of the justices of assise, but also for other necessary charges and expences by them sustained in and about the exercising of their said office: (3) yet nevertheless the said sheriffs are and have been sithen the making of the said act more and sorer charged, vexed and troubled than they were before, to the great impoverishment of men of worship and gentlemen within this realm, that have been sheriffs, and so is very likely to be to all such as hereafter shall be sheriffs, if remedy be not provided in this behalf: (4) it may therefore please the King's most excellent Majesty, that it may be enacted and established with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said former act, and all clauses and sentences in the same contained, shall be from henceforth clearly frustrate and void to all intents

The statute of 34 & 35 H. 8. c. 16. touching sheriffs, rehearsed and repealed.

intents and purposes, other than hereafter in this act shall be specified.

III. And that it may be enacted by this present parliament, That the sheriffs which shall be made from henceforth within all the shires of *England*, and also such as have not made or finished their accompt or accompts, shall have such and like tallies of reward, and all such other allowances, as they had before the making of the said former act; (2) or else the same sheriffs which shall be, or heretofore have been, to be at their election and choice to accompt, and all other things to do, according to the aforesaid former act: (3) and that they and every of them that so shall accompt and take no tally of reward shall be in and by all things intreated in the King's exchequer, as though the said former act were and should continue in his full strength and effect; any thing before specified notwithstanding.

IV. And that the same tallies of reward, and every of them, by force of this present act, without any further warrant or warrants to be obtained for the same, shall be levied or stricken at the receipt of the King's majesty's exchequer in due manner and form, with such like letters or writings upon the same tallies and every of them, as before the making of the said former act were and have been accustomed to be levied and stricken.

V. And that the same tallies so hereafter there to be levied and stricken, shall be delivered unto every of the same sheriffs or their sufficient attorney for them, without prest or other charge to be set upon them for the same. Every sheriff shall have tallies of reward.

VI. And that this act shall be a sufficient warrant and discharge unto the treasurer of *England* and all other officers within the said receipt, for striking, levying and delivery of the said tallies and every of them.

VII. And further, That all those sheriffs that hereafter shall be made within those shires of *England*, whereas no tallies of reward have heretofore been by the King's majesty's most noble progenitors given and granted, and such sheriffs as shall hereafter take no tally of reward, shall in consideration of their great costs, charges and expences which they shall bear and sustain, as well by the diets of the justices of assises as by any other means, have upon the end of their accompts and every of them, such allowances upon a petition to be made by the same sheriffs or any of them, in a bill to be brought in by the same sheriffs and every of them, of their said costs and charges, upon which bills the same sheriffs to be sworn in their own proper persons, or by their under-sheriffs or lawful attorney thereunto admitted, to be true, without warrant or tally suing for the same. Sheriffs allowances that have no tallies of reward.

VIII. And also that all sheriffs which hereafter shall take no tally of reward, and every of them, shall be discharged upon their accompts of all such farms, goods, chattels, profits, casualties and sums of money which they might or should be charged with upon their accompts in the said exchequer, by what title or name soever they be named, or upon whatsoever person or persons they shall be treated, or out of whatsoever lands and tenements

ments they shall be going forth, as they cannot levy or comp by.

Sheriffs allow-  
ances for vi-  
countiels and  
possessions  
come to the  
King's hands.

IX. And that all other sheriffs which hereafter shall take any tally of reward shall in like manner be discharged of all such farms and sums of money aforesaid; except only of the vicountiels of their shires wherewith they shall be charged, and answerable as they were before the making of the foresaid former act. (2) And also the same sheriffs of every shire of *England* that now be, or heretofore have been, or that hereafter shall be, and every of them, shall have plain deduction and allowance in their said accounts of all such sum and sums of money as they or any of them shall make or have made true petition of, for or concerning such possessions and hereditaments as be come unto or were in the King's majesty's hands, or any his progenitors, by unity of possession, or by any mean, out of the which any part or parcel of the foresaid vicountiels were at any time heretofore leviable or levied. (3) And that the lord treasurer, chamberlains, chancellor and barons of the said exchequer, or in the absence of the said lord treasurer, chamberlains and chancellor, the said barons shall by authority of this act, give and make allowance, deduction and exoneration to every of the said sheriffs of the said farms and of all other things without any other warrant.

The sheriff  
shall be sworn  
to bring into  
the exchequer  
rolls of parch-  
ment of mo-  
ney which he  
hath or might  
have levied.

X. Provided alway, That every of the said sheriffs at his day of prefixion, immediately after that he or his deputy or attorney is sworn to account for the issues and profits of his office of sheriffwick, shall by himself or by his attorney or deputy sworn for him, when he shall answer before the lord treasurer, chamberlains, chancellor and barons of the said exchequer, or in the absence of the said lord treasurer, chamberlain or chancellor or of any of them, then before such of the said lord treasurer, chamberlains or chancellor and of the said barons, as then shall happen to be present in the said court of exchequer, to bring in and deliver into the said court, rolls or schedules of parchment, containing in them truly without omission or concealment all such particular sums of money which he hath levied, or lawfully might have levied, to his writing and knowledge within his bailiwick, as part or parcel, as well of the said farms called vicountiels in the said former act expressed, as of all other farms of what nature or title soever they be called, being treated, written or otherwise charged to any of the said sheriffs out of the said court of exchequer, (2) making express and distinct mention in the same rolls or schedules, as nigh as he or they can or may, of what person, and what lands and tenements, and for what cause, the same particular sums of money and every of them be levied or leviable: (3) and that after the same rolls or schedules so delivered, and the particular sums of money in them contained appertaining to their proper farms, cast and rated in the said court, the said lord treasurer, chamberlains, chancellor and the said barons, in the absence of the said treasurer, chamberlains or chancellor or any of them for the time being, shall have full power and authority by this act for the levying and recovery of such

such parcels belonging to any the said farms called vicountiells, or any other farms, by what name or title soever they be called, being omitted out of the said rolls or schedules, and for saving of other the King's ancient rights and inheritances answerable in the said exchequer, which be now wrongfully withdrawn or unjustly withholden from the King's majesty his possession: (4) and shall have power and authority from time to time to award such *process*, and use such convenient ways and means by commission or otherwise, according to the course of the said exchequer, and further as shall be devised by their discretion; so that the King's majesty, his heirs and successors, may be truly answered of the issues and profits of the same; this act, or any other statute, act, ordinance or use heretofore to the contrary had, made or used, in any wise notwithstanding.

Process shall be awarded out of the exchequer to enquire of the King's debts.

XI. And furthermore, That the said treasurer, chamberlains, chancellor and barons of the said exchequer, or the said barons in the absence of the said treasurer, chamberlains or chancellor, or any of them for the time being, shall have full power and authority by their discretions from time to time to give and allow unto all and every such commissioner or commissioners as they shall assign and appoint by their discretion, to enquire of the said farms and other the King's rights withdrawn, their reasonable costs and charges, as from time to time to them shall seem good and convenient.

Allowance made to commissioners for their costs.

#### CAP. V.

Such fee-farms and sums of money paid for fee-farms, as by any city, borough or town corporate within *England* or *Wales*, or by the bodies corporate or politick, officers or ministers of the same, ought to be due and payable to the King, &c. during three years next ensuing, shall cease and not be due; and it shall be bestowed about repairing of walls, bridges, setting poor on work, or other good deeds, in every such city, &c. But if the King hath granted the fee-farm to any other, he shall enjoy it. *Exp. 3 & 4 Ed. 6. c. 18.*

#### CAP. VI.

*An act that the admiral of England, or any of his officers, shall not exact any sums of money for licence to traffick to Ireland, &c.*

**F**ORASMUCH as within these few years now last past there hath been levied, perceived and taken by certain of the officers of the admiralty of such merchants and fishermen as have used and practised the adventures and journeys into *Ireland*, *Newfoundland*, *Ireland* and other places commodious for fishing and the getting of fish, in or upon the seas or otherwise, by way of merchandise in those parts, divers great exactions, as sums of money, doles or shares of fish and such other like things, to the great discouragement and hindrance of the same merchants and fishermen, and to no little damage to the whole common-weal: (2) and whereof also great complaints have been made and informations also yearly to the King's majesty's most honourable council:

No officer shall exact any money of any merchant or fisherman going beyond sea for fish.

*vil: for reformation whereof; and to the intent also that the said merchants and fishermen may have occasion the rather to practise and use the same trade of merchandise and fishing freely without any such charges or exactions as is before limited, whereby it is to be thought that more plenty of fish shall come into this realm, and thereby to have the same at more reasonable prices:*

III. Be it therefore enacted by the King our sovereign lord, and the lords and commons in this present parliament assembled, and by the authority of the same, That neither the admiral nor any officer or minister, officers or ministers of the admiralty for the time being, shall in any wise hereafter exact, receive or take by himself, his servant, deputy, servants or deputies, of any such merchant or fisherman, any sum or sums of money, doles or shares of fish, or any other reward, benefit or advantage whatsoever it be, for any licence to pass this realm to the said voyages or any of them; nor upon any respect concerning the said voyages or any of them; (2) upon pain to forfeit for the first offence treble the sum or treble the value of the reward, benefit or advantage, that any such officer or minister shall hereafter have or take of any such merchant or fisherman; for the which forfeiture the party grieved, and every other person or persons, whatsoever he or they be, shall and may sue for the same by information, bill, plaint or action of debt, in any of the King's courts of record; the King to have the one moiety, and the party complaining the other moiety: in which suit no essoin, protection or wager of law shall be allowed: (3) and for the second offence, the party so offending not only to lose or forfeit his or their office or offices in the admiralty, but also to make fine and ransom at the King's will and pleasure.

## CAP. VII.

EXP. An act against the crafty and deceitful buying of pensions from the late monasteries.

## CAP. VIII.

*An act for finding of offices before escheators.*

How offices in some cases shall be found before escheators.

12 Car.2. c.14.

Lessees for years or copyholders being put forth of possession by the King, by the common law have no remedy.

**W**HERE many and divers persons holding or that have holden lands, tenements or hereditaments, some for term of years, and some by copy of court-roll, have been expelled and put out of their terms and holds, by reason of inquisitions or offices founden before escheators, commissioners and other, containing tures of the King in capite, intituling the King to the wardship or custody of such lands or tenements, and sometime intituling the King to the same upon attainders of treason, felony or otherwise, by reason that such leases for term of years or interest by copy of court-roll of such persons have not been found in such inquisitions or offices: (2) after which expulsion, or putting out, the said persons have been without remedy for the obtaining of the said terms and holds, during the King's possession therein; (3) and can have no traverse, monstrans de droit, ne other remedy for the same, because their said interest is but a chattel in the law or a customary hold, and no estate of freehold.

II. And

II. And also where any person or persons hath any rent, common, office, fee or other profit appendre, of any estate of freehold or for years, or otherwise, out of such lands or tenements specified in such offices or inquisitions, the said rent, common, office, fee or profit appendre not found in the same office or offices, such persons are in like manner without remedy to obtain or have the said rent, common, office, fee or profit appendre, by any traverse or other speedy mean, without great and excessive charges, during the King's interest therein by force of such inquisition or office.

III. For remedy whereof, be it enacted by authority of this present parliament, That where any such office or inquisition is or shall be founden, omitting such titles, interests or matters as is aforesaid, that in all such cases every lessee, tenant for term of years, or copyholder, and every such person or persons that have or shall have any interest to any rent, common or profit *appendre*, for term of years, life or otherwise, out of any of the lands, tenements or hereditaments contained in such office or inquisition, where the King, his heirs or successors is or shall be intituled, as is aforesaid, to any such lands, tenements or hereditaments, shall have, hold, enjoy and perceive all and every their leases and interests for term of years, or by copy of court-roll, rents, commons, offices, fees and profit *appendre*, in such manner, form, state and condition, as they and every of them should or might have done, in case there had been no such office or inquisition founden, and as they should or lawfully might or ought to have done, in case such lease, interest by copy of court-roll, rent, common, office, fee or profit *appendre* had been found in such office or inquisition; any law, custom or usage to the contrary heretofore used in such cases in any wise notwithstanding.

The interest of others shall be saved though they be not found by office.  
Cro. El. 523.  
Ley 35.

IV. And also where it is or shall be founden for the King, his heirs or successors, That the heir or heirs of his tenant or tenants is or shall be within age, where indeed such heir or heirs is or shall be at the same time of full age, or of a more or greater age than is or shall be contained within such office.

V. Be it further enacted by the authority aforesaid, That in every such case such heir and heirs shall and may at his or their very full age, or after, prosecute a writ of *etate probanda*, and sue his or their livery or *ouster le main*, as his or their cases shall lie, and have the profits of his or their lands, tenements or hereditaments, from the time of his or their very full age; any such untrue office or inquisition, or any law or custom to the contrary, in any wise notwithstanding.

A remedy where an heir of full age shall be found within age.

VI. Also where one person or mo is or shall be founden heir to the King's tenant by office or inquisition, where any other person is or shall be heir; (2) or if one person or more be or shall be founden heir by office or inquisition in one county, and another person or persons is or shall be found heir to the same person in another county; (3) or if any person be or shall be untruly founden lunatick, idiot or dead: (4) be it enacted by the authority aforesaid, That every person and persons, grieved

Hob. 50.  
Dyer 161.  
7 Co. 45.

Traverse to an untrue office or found after

the death of  
the King's ten-  
nant, or upon  
attainder of  
treason, felo-  
ny, &c.

or to be grieved by any such office or inquisition, shall and may have his or their traverse to the same immediately or after, at his or their pleasure, and proceed to trial therein, and have like remedy and advantage as in other cases of traverse upon untrue inquisitions or offices founden; any law, usage or custom to the contrary in any wise notwithstanding.

A traverse  
though the  
King be intitu-  
led by  
double matter  
of record.

VII. Also where it is or shall be hereafter untruly founden by office or inquisition, That any person or persons attainted or that shall be attainted of treason, felony or *præmunire*, is or shall be seised of any lands, tenements or hereditaments, at the time of such treason, felony or offence committed or done, or any time after, whereunto any other person or persons hath or shall have any just title or interest of any estate of freehold, that then in every such case every person and persons grieved thereby shall have his or their traverse or *monstrans de droit* to the same, without being driven to any petition of right, and like remedy and restitution upon his or their title found or judged for him or them therein, as hath been accustomed and used in other cases of traverse, although the King's majesty, his heirs or successors, be or shall be in such case intituled to any such lands, tenements or hereditaments, by double matter of record; any law, custom or usage to the contrary in any wise notwithstanding.

Traverse to an  
office.

13 H. 7. 17.  
Br. Office 59.  
Dyer 155, 292,  
306.  
3 Co. 168.

VIII. And be it further enacted by the authority aforesaid, That where any inquisition or office is or shall be founden by these words or like, *Quod de quo vel de quibus tenementa predict. tenent. Jurat. predict. ignorant*, or else founden holden of the King, *Per quæ servic. ignorant*, or such like, that in such case such tenure so uncertainly founden, *De quo vel quibus tenementa predict. tenentur ignorant*, shall not be taken for any immediate tenure of the King, nor such tenure so founden of the King, *Per quæ servic. ignorant*, shall not be taken for any tenure in *capite*, but in such cases a *Melius inquirendum* to be awarded, as hath been accustomed in old time; any usage of later time to the contrary notwithstanding.

Traverse to an  
office where a  
wrong tenure  
is found.

Dyer 161.  
Cro. Jac. 186.

IX. And be it further enacted by the authority aforesaid, That where it is or shall be founden by any office or inquisition, that any lands, tenements or hereditaments are or shall be descended, remained or come unto any heir within age, and in the King's ward, or that ought to be in the King's ward, and that such lands, tenements or hereditaments are holden of the King immediately, where indeed the same are or shall be holden of some other common person, and not of the King immediately: That in such case such heir or heirs shall and may have their traverse to the same, within age, and like remedy and restitution upon his or their title found or judged for him or them therein, as hath been accustomed and used in other cases of traverses; any law, usage or custom to the contrary in any wise notwithstanding.

X. Also where the King's majesty by his prerogative ought to have as well such lands and tenements as be holden of other persons, as holden of himself immediately, whereof his tenant holding of him in chief  
dieth

*dieth seized, his heir being within age, until such time as livery be sued by such heir, and that the mean lords of whom the said other lands and tenements of such heir be holden, used to spare the rents due to them for the same lands or tenements holden of them during the King's possession: (2) And when such heir hath sued his or their livery, they use by distress or otherwise to compel the said heir to pay to them the arrearages of such their rents, for such time as the said lands and tenements were in the King's possession by such minority, where they should have sued by petition to the King's majesty to have obtained the same out of the King's hands; if they would have the same; which is to the great detriment, loss and hindrance of such heir and heirs: (3) For redress whereof, be it enacted by the authority of this present parliament, That from henceforth such mean lords during such minority, shall have, receive and take their said rents by the hands of such the King's officers as shall be appointed to have, receive and take the issues, revenues and profits of the same lands and tenements so holden of such mean lords, during the minority and nonage of such heir and heirs, and until such heir and heirs sue his or their livery; (4) and that such heir and heirs until such time as he or they shall have sued their livery, or might conveniently have sued their livery, shall be thereof clearly discharged.*

A remedy for the rents of the mean lords where the King hath the wardship.

XI. And that such officer or officers shall, upon request made, pay the same to such mean lords (they giving to such officer and officers a sufficient acquittance or acquittances for the receipt of the same:) (2) And that such payment thereof made, with acquittance or acquittances thereof shewed, shall be to such officers a sufficient discharge against the King's majesty and his heirs upon his or their account in that behalf; any law, usage or custom heretofore had or used to the contrary hereof in any wise notwithstanding.

XII. Provided always, and be it enacted by the authority aforesaid, That this act or any thing therein contained shall not in any wise extend to any inquisition or office taken or founden at any time before the xx. day of *March* next coming, nor to hinder, prejudice or take away the title, interest or possession of our sovereign lord the King, or of any other person or persons, grown or come by virtue, mean or occasion of any inquisition or office taken or found before the same day; (2) but that as well our said sovereign lord the King, as all other person and persons having any title, interest or possession, by virtue, mean or occasion of any inquisition or office found before the same day, shall and may have, hold and enjoy the same in like manner and form as though this act had never been had or made; any thing in the same act to the contrary in any wise notwithstanding.

An office found before the xx. day of March 1548.

XIII. Provided also, and it is enacted by the authority aforesaid, That in all such cases as any person or persons shall be enabled by this act to have any traverse, and shall pursue his or their traverse, that then he or they that shall pursue such traverse shall sue one writ or several writs of *Scire facias*, as the case shall require, against all and singular such person and persons

Upon a traverse a *Scire facias* shall be awarded against the King's patentees.

Two writs of  
search upon a  
traverse.

Notwithstanding  
ing a traverse  
the King's  
former right  
shall be reserv-  
ed.

Co. Lit. 77. b.  
243. a.  
Dyer 248.  
3 Co. 168.  
Lord Som-  
mer's arg. in

as shall have interest by the King or by his patentee or patentees, in like manner and form as is requisite upon traverses or petitions heretofore pursued: (2) And that in every such *Scire facias* the patentees or other defendants shall have like pleas and advantage, as they had in any *Scire facias* before this time awarded against any patentee in any case of petition; (3) and also upon every traverse that shall be pursued by virtue or mean of this act, in such case as the party or parties that shall pursue any such traverse should by the order of the common laws of this realm have been put to sue by petition to the King, there shall be two writs of search granted, in manner and form as like writs have been granted upon petitions made to the King.

XIV. Provided also, and it is enacted by the authority above-said, That if after any judgment shall be given upon any traverse, that shall be tendred or sued by virtue or mean of this act, it shall appear by any matter of record, that the King hath any other former title, right or interest to the manors, lands, tenements or other hereditaments mentioned in the same traverse, that then the same title, right and interest shall be saved to the King, the said traverse and judgment thereupon given in any wife notwithstanding.

in the banker's case, &c.

#### C A P. IX.

A confirmation of all former statutes made concerning tanners, curriers and cordwainers. The several duties of curriers, cordwainers, cobblers, girdlers, leatherfellers, &c. in using, cutting, making or selling of their wares, and of searchers to view, search and seal the same. The penalty of transporting of leather. Of what quantity a tanner shall cut his sole leather. Repealed by 5 Eliz. c. 8. which act and all acts thereby repealed are repealed by 1 Jac. 1. c. 22.

#### C A P. X.

##### The bill for true making of malt.

In what man-  
ner malt shall  
be made and  
used.

Several un-  
lawful prac-  
tices used in  
the making  
and selling of  
malt.

4 Inst. 263.

WHERE divers and sundry persons taking upon them the art and mystery of malt making, and sundry other persons tending more their own private lucre, gain and profit than the wholsom victualling of the King's majesty, the nobility of this realm and other his Grace's subjects, have now of late by their unsatiable, covetous and greedy minds, accustomedly and commonly made much malt unpure and unseasonable; for that they have made the same malt in eight or nine days, where indeed the same cannot be well and perfectly made, unless it have the time and space of twenty-one days in the making thereof: (2) And where also divers and sundry of the said makers of malt commonly have and do slackly and deceitfully dry the malt so by them made; for that they would have an inordinate increase thereof by the swelling of the said malt, whereby the same malt not being sufficiently dried, cannot be kept any long time or space, but it will be musty and full of weavels, whereby no wholsom drink for man's body can by any means be thereof made, which is not only to the great peril and danger of

of the nobility and other the King's highness subjects within this realm, and also to the great loss and decay of the common wealth of the same, but also an utter impoverishment of the brewers of this said realm; for that the said brewers (over and besides the unwholsomness of the drink which is commonly made thereof) cannot make so much drink of fifty quarters of malt, being so evil dried and made, as they might and can make of forty quarters being well and truly made: (3) And also forasmuch as divers and sundry persons minding and seeking their own private and excessive gain and profit, forgetting thereby their duty, and the order of charity towards the common wealth and their neighbours in this behalf, do commonly use to put and mix good malt and evil malt together, and after put the same malt to sale as good malt, whereby many of the King's subjects have been and are like to be very often deceived, to their great loss and hindrance, contrary to the honest, seemly and godly buying, selling and commutation that should or ought to be amongst Christian people, specially in things concerning the sustentation and sustenance of man's body:

II. For remedy whereof, it may please the King's majesty, with the advice of his lords spiritual and temporal, and the commons, in this present parliament assembled, That it may be established and enacted by the authority of the same, That no such person or persons at any time after the first day of *March* next coming, shall make any barley malt (the months of *June*, *July* and *August* only excepted) but that the same shall have in making thereof, that is to say, in the fat, floor, steeping and sufficient drying of the said malt, three weeks at the least: (2) And that no such person or persons at any time within the said months of *June*, *July* and *August*, shall make any barley malt, except the same have in the fat, floor, steeping and sufficient drying, the time and space of seventeen days at the least, under and without which time and times the said malt cannot be well and perfectly made, nor wholsom for man's body; (3) upon pain to forfeit and lose for every quarter of malt which shall be made by any person or persons, contrary to the tenor, purport and true meaning of this act, two shillings. (4) And be it further enacted by the authority aforesaid, That no person or persons, after the first day of *March* next coming, shall mingle or put together any malt, not being well and sufficiently made, or being made of mow-burnt or spired barley with other good malt, and after put the same so mingled to sale, upon pain to forfeit and lose for every quarter so mingled and put to sale, two shillings.

III. And be it also further enacted by the authority aforesaid, That if any person or persons after the last day of *January* next coming shall put to sale any malt which shall not be sufficiently and well trodden, rubbed and well fanned, whereby there may be conveniently fanned out of one quarter thereof half a peck of dust or more; that then the person so putting the same to sale shall forfeit and lose for every quarter so put to sale, twenty pence. (2) The moiety of all which forfeitures to be to the King our sovereign lord; and the other moiety thereof to the

How long time malt shall be in the fat, floor, steeping and drying

None shall mingle good malt with evil to sell.

17 R. 2. c. 4.

party that will sue for the same by action of debt, bill, plaint or information in any of the King's courts, wherein no protection, wager of law or effoin, nor injunction shall be admitted or allowed.

Justices, stewards of leets and officers of towns shall punish offenders.

IV. And be it further enacted by the authority aforesaid, That the justices of peace in every of their sessions, and also the steward in every leet, shall have full power and authority by virtue of this act, to enquire, hear and determine, as well by presentment of twelve men, as by accusation or information of two honest witnesses, of, for and upon all and every the offences and forfeitures aforesaid, as well for the King as for the party that shall sue, procure or cause the same to be presented as is before said. (2) And that the bailiffs and constables of every borough or market-town, or other town where any such malt shall be made or put to sale, shall have full power and authority from time to time to view, search and survey all such malt as shall be made or put to sale within any of the said towns: (3) And if any of them shall thereupon find any malt so put to sale, being evil made or mingled with evil malt, contrary to the tenor and true meaning of this present act; that then the said bailiff or constable so finding any such malt evil made or mingled as is aforesaid, with the advice of one justice of peace within the same shire, shall cause the same to be sold to such person or persons, and at such a reasonable price or prices, and under the common price of the market, as to his discretion shall seem necessary and expedient.

Malt made for a man's own provision.

V. Provided always, and be it also enacted by the authority aforesaid, That this act, nor any thing therein contained, shall extend to the making of malt for any man's own provision for his own house or family, neither to charge or be prejudicial to any person or persons, for or concerning any of the offences or forfeitures aforesaid; except he or they so offending shall happen to be sued, presented and accused for the same, in manner and form aforesaid, within one year next after any such offence or offences to be done or committed; any thing in this present act contained to the contrary notwithstanding. (2) This present act to continue until the end of the next session of parliament. *Revised by 27 El. c. 14. and by 3 Car. 1. c. 4. continued to the end of the next session of parliament, and farther continued by 16 Car. 1. c. 4.*

Within what time an offender shall be presented.

## C A P. XI.

No tanner shall put any tanned leather to sale (saying calves skins) tanned and mixed with ashen bark, tapworth, meal or culver dung, and unless it hath lien in the tan-ozes sufficiently wrought three quarters of the year at least: Nor shall overburn with lime any hides, nor shall set his fats in tan-hills, or shall put any hot liquor or ozes in the fats wherein hides shall be put to tanning: Or shall practise any other way for the over speedy tanning of hides, or whereby they shall be burned or scalled: Or shall cut any hide of steer or cow to make

make clout-leather thereof: Or shall tan any sheep skins: Upon pain to forfeit the same leather, &c. and vj. s. viij. d. for every hide. E X P. 1 Mar. Sess. 2. c. 13. Revived by 1 El. c. 9. and repealed by 5 El. c. 8. and 1 Jac. 1. c. 22.

## CAP. XII.

A confirmation of all leases and grants by copy of court-roll for life or lives, not exceeding three lives, of any lands of the duke of Somerset's, called barton's lands, or demesne lands, made or to be made by the said duke's assigns to any person.

## CAP. XIII.

*An act for payment of tithes.*

**W**HERE in the parliament holden at Westminster the iv. day of February in the xxvij. year of the reign of the late King of most famous memory, King Henry the viij. there was an act made concerning payment of tithes predial and personal: (2) And also in another parliament holden at Westminster the xxiv. day of July in the xxxij. year of the reign of the said late King Henry the viij. another act was made concerning the true payment of tithes and offerings; (3) in which several acts many and divers things be omitted and left out, which were convenient and very necessary to be added to the same: (4) In consideration whereof, and to the intent the said tithes may be hereafter truly paid, according to the mind of the makers of the said acts, be it ordained and enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That not only the said acts made in the said xxvij. and xxxij. years of the reign of the said late King Henry the viij. concerning the true payment of tithes, and every article and branch therein contained, shall abide and stand in their full strength and virtue; (5) but also be it further enacted by the authority of this present parliament, That every of the King's subjects shall from henceforth truly and justly, without fraud or guile, divide, set out, yield and pay, all manner of their predial tithes in their proper kind as they rise and happen, in such manner and form as hath been of right yielded and paid within forty years next before the making of this act, or of right or custom ought to have been paid: (6) And that no person shall from henceforth take or carry away any such or like tithes, which have been yielded or paid within the said forty years, or of right ought to have been paid, in the place or places titheable of the same, before he hath justly divided or set forth for the tithe thereof the tenth part of the same, or otherwise agreed for the same tithes with the parson, vicar or other owner, proprietary or fermor of the same tithes; (7) under the pain of forfeiture of treble value of the tithes so taken or carried away.

II. And be it also enacted by the authority aforesaid, That at all times whensoever and as often as the said predial tithes shall be

of corn or hay  
before tithe be  
set forth, or  
for letting the  
parson to carry  
it.

Co. pl. f. 161.

1 Bulst. 228,  
285.

1 Bulst. 278.

Godbolt 245.

pl. 342.

Moor 528.

Hob. 218.

Cro. Jac. 57,

68, 70, 318.

2 Roll. 54.

Hatley 123.

March 57.

due, and at the tithing time of the same, it to be lawful to every party to whom any of the said tithes ought to be paid, or his deputy or servant, to view and see their said tithes to be justly and truly set forth and severed from the nine parts, and the same quietly to take and carry away: (2) And if any person carry away his corn or hay or his other predial tithes, before the tithe thereof be set forth; (3) or willingly withdraw his tithes of the same or of such other things whereof predial tithes ought to be paid; (4) or do stop or let the parson, vicar, proprietor, owner or other their deputies or farmers, to view, take and carry away their tithes as is above said; (5) by reason whereof the said tithe or tenth is lost, impaired or hurt; that then upon due proof thereof made before the spiritual judge or any other judge to whom heretofore he might have made complaint, the party so carrying away, withdrawing, letting or stopping, shall pay the double value of the tenth or tithe so taken, lost, withdrawn or carried away, over and besides the costs, charges and expences of the suit in the same: (6) The same to be recovered before the ecclesiastical judge according to the King's ecclesiastical laws.

Tithe of cattle  
feeding in a  
waste where  
the parish is  
not known.

III. And be it further enacted by the authority aforesaid, That all and every person which hath or shall have any beasts or other cattle tithable, going, feeding or depasturing in any waste or common ground, whereof the parish is not certainly known, shall pay their tithes for the increase of the said cattle so going in the said waste or common, to the parson, vicar, proprietor, portionary, owner or other their farmers or deputies of the parish, hamlet, town or other place, where the owner of the said cattle inhabiteth or dwelleth.

Lands dis-  
charged of  
tithe by pre-  
scription or  
composition.

2 Co. 44.

13 Co. 42.

Co. pl. 452,

454, 457.

2 Roll. 479.

The tithe of  
barren heath  
or waste  
ground.

Dyer 170.

IV. Provided always, and be it enacted by the authority aforesaid, That no person shall be sued or otherwise compelled to yield, give or pay any manner of tithes for any manors, lands, tenements or hereditaments, which by the laws and statutes of this realm or by any privilege or prescription, are not chargeable with the payment of any such tithes, or that be discharged by any composition real. 32 H. 8. c. 7. § 5.

V. Provided always, and be it enacted by the authority aforesaid, That all such barren heath or waste ground, other than such as be discharged for the payment of tithes by act of parliament, which before this time have lain barren and paid no tithes by reason of the same barrenness, and now be or hereafter shall be improved and converted into arable ground or meadow, shall from henceforth, after the end and term of seven years next after such improvement fully ended and determined, pay tithe for the corn and hay growing upon the same; any thing in this act to the contrary in any wise notwithstanding.

VI. Provided always, and be it enacted by the authority aforesaid, That if any such barren, waste or heath ground, hath before this time been charged with the payment of any tithes, and that the same be hereafter improved or converted into arable ground or meadow; that then the owner or owners thereof shall, during

during seven years next following from and after the same improvement, pay such kind of tithe as was paid for the same before the said improvement; any thing in this act to the contrary in any wise notwithstanding.

VII. And be it also further enacted by the authority aforesaid, That every person exercising merchandises, bargaining and selling, clothing, handicraft or other art or faculty, being such kind of persons, and in such places, as heretofore within these forty years have accustomedly used to pay such personal tithes, or of right ought to pay, (other than such as been common day-labourers) shall yearly at or before the feast of *Easter* pay for his personal tithes the tenth part of his clear gains, his charges and expences, according to his estate, condition or degree, to be therein abated, allowed and deducted.

Who shall pay their personal tithes.

VIII. Provided always, and be it enacted, That in all such places where handicrafts-men have used to pay their tithes within these forty years, the same custom of payment of tithes to be observed and to continue; any thing in this act to the contrary notwithstanding.

Handicrafts-men having used to pay tithes.

IX. And be it also enacted by the authority aforesaid, That if any person refuse to pay his personal tithes in form aforesaid, that then it shall be lawful to the ordinary of the same diocese where the party that so ought to pay the said tithes is dwelling, to call the same party before him, and by his discretion to examine him by all lawful and reasonable means, other than by the the parties own corporal oath, concerning the true payment of the said personal tithes.

The ordinary may examine him that refuseth to pay his tithe.

X. Provided always, and be it enacted by the authority aforesaid, That all and every person and persons which by the laws or customs of this realm ought to make or pay their offerings, shall yearly from henceforth well and truly content and pay his or their offerings to the parson, vicar, proprietor or their deputies or farmers of the parish or parishes where it shall fortune or happen him or them to dwell or abide; and that at such four offering-days, as at any time heretofore within the space of four years last past hath been used and accustomed for the payment of the same, and in default thereof to pay for their said offerings at *Easter* then next following.

Payment of offerings.

XI. Provided also, and be it enacted by the authority aforesaid, That this act or any thing therein contained, shall not extend to any parish which stands upon and towards the sea-coasts, the commodities and occupying whereof consisteth chiefly in fishing, and have by reason thereof used to satisfy their tithes by fish; but that all and every such parish and parishes shall hereafter pay their tithes according to the laudable customs, as they have heretofore of ancient time within these forty years used and accustomed, and shall pay their offerings as is aforesaid.

Tithe of fish.

XII. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend in any wise to the inhabitants of the city of *London*

Payment of tithe by houses.  
Litch 89.  
and

and *Canterbury*, and the suburbs of the same, ne to any other town or place that hath used to pay their tithes by their houses, otherwise than they ought or should have done before the making of this act, any thing contained in this act to the contrary in any wise notwithstanding.

Suits for withholding of tithes shall be in the ecclesiastical court.  
1 Bulstr. 67.

Excommunication of the party condemned.

XIII. And be it further enacted by authority aforesaid, That if any person do substract or withdraw any manner of tithes, obventions, profits, commodities or other duties before mentioned, or any part of them, contrary to the true meaning of this act, or of any other act heretofore made, that then the party so substracting or withdrawing the same, may or shall be convented and sued in the King's ecclesiastical court, by the party from whom the same shall be substracted or withdrawn, to the intent the King's judge ecclesiastical shall and may then and there hear and determine the same according to the King's ecclesiastical laws: (2) And that it shall not be lawful unto the parson, vicar, proprietor, owner or other their farmers or deputies, contrary to this act, to convent or sue such withholder of tithes, obventions and other duties aforesaid, before any other judge than ecclesiastical. (3) And if any archbishop, bishop, chancellor or other judge ecclesiastical, give any sentence in the aforesaid causes of tithes, obventions, profits, emoluments and other duties aforesaid, or in any of them, (and no appeal ne prohibition hanging) and the party condemned do not obey the said sentence, that then it shall be lawful to every such judge ecclesiastical to excommunicate the said party so as afore condemned and disobeying: (4) In the which sentence of excommunication, if the said party excommunicate wilfully stand and endure still excommunicate by the space of forty days next after, upon denunciation and publication thereof in the parish church, or the place or parish where the party so excommunicate is dwelling or most abiding, the said judge ecclesiastical may then at his pleasure signify to the King in his court of chancery, of the state and condition of the said party so excommunicate, and thereupon to require process *De excommunicato capiendo* to be awarded against every such person as hath been so excommunicate.

A copy of the libel shall be delivered to the judges before a prohibition granted.

1 Leon. 286.  
2 Leon. 212.

XIV. Be it further enacted by the authority aforesaid, That if any party at any time hereafter, for any matter or cause before rehearsed, limited or appointed by this act, to be sued or determined in the King's ecclesiastical court, or before the ecclesiastical judge, do sue for any prohibition in any of the King's courts where prohibitions before this time have been used to be granted, that then in every such case the same party, before any prohibition shall be granted to him or them, shall bring and deliver to the hands of some of the justices or judges of the same court where such party demandeth the prohibition, the very true copy of the libel depending in the ecclesiastical court, concerning the matter wherefore the party demandeth the prohibition, subscribed or marked with the hand of the same party; and under the copy of the said libel shall be written the suggestion wherefore

wherefore the party so demandeth the said prohibition: (2) and in case the said suggestion, by two honest and sufficient witnesses at the least, be not proved true in the court where the said prohibition shall be so granted, within six months next following after the said prohibition shall be so granted and awarded, that then the party that is letted or hindred of his or their suit in the ecclesiastical court by such prohibition, shall upon his or their request and suit, without delay, have a consultation granted in the same case in the court where the said prohibition was granted; (3) and shall also recover double costs and damages against the party that so pursued the said prohibition, the said costs and damages to be assigned or assessed by the court where the said consultation shall be so granted; (4) for which costs and damages the party to whom they shall be awarded may have an action of debt by bill, plaint or information in any of the king's courts of record, wherein the defendant shall not wage his or their law, nor have any essoin or protection allowed or admitted.

XV. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to give any minister or judge ecclesiastical any jurisdiction to hold plea of any matter, cause or thing, being contrary or repugnant to or against the effect, intent or meaning of the statute of *Westminster second*, the fifth chapter, the statutes of *Articuli cleri*, *Circumspesse agatis*, *Silva cadua*, the treatise *De Regia prohibitionibus*, ne against the statute of *anno primo Edwardi tertii*, the tenth chapter, or any of them, ne yet hold plea in any matter whereof the King's court of right ought to have jurisdiction; any thing herein contained to the contrary in any wise notwithstanding.

XVI. Provided nevertheless, where heretofore such a custom hath been in many parts of *Wales*, that of such cattel and other goods as hath been given with the marriage of any person, their tithes have been exacted and levied by the parsons and curates in those parts: (2) which custom being dissonant from any part of this realm, as it seemed when the said country of *Wales* was through civil dissension uncultured, for want of other sufficient profits that might otherwise grow to the curates and ministers there, to have been for that time tolerable: So now the country being well manured and husbanded, and the tithe is duly paid there of corn, hay, wool and cheese, and of other increase of all manner of cattle, as it is commonly in all other parts of this realm, the same custom seems to be grievous and unreasonable, specially where the benefices are else sufficient for the finding of the said ministers and curates: (3) That it be therefore enacted by the authority aforesaid, That from and after the first day of *May* next coming no such tithes of marriage goods be exacted or required of any person within the said dominion of *Wales*, or marches of the same; any thing in this act contained, or any other act, custom or prescription had or made to the contrary hereof notwithstanding.

Dyer 242.  
Cro. El. 736.  
Cro. Car. 208.  
A consultation granted for default of proving a suggestion.  
Carthew. 463.  
Hetley 147.  
1 Roll. 55.  
2 Roll. 125.

Of what things a judge ecclesiastical shall not hold plea.

13 Ed. 1. stat. 1. c. 5.  
9 Ed. 2. stat. 1. c. 1, 2, 5.  
1. Ed. 3. ft. 2. c. 11.  
18 Ed. 3. stat. 3. c. 7.  
45 Ed. 3. c. 1.  
2 Inst. 663.

No tithes of marriage goods shall be paid in *Wales*, &c.

Co. Lit. 159. a.

## CAP. XIV.

33 H. 8. c. 6.  
13 Co. 18.  
Rep. by 6 & 7  
W. 3. c. 13.  
f. 3.

An act against the shooting of hail-shot. No person may shoot with an hand-gun in city or town at a mark, or shoot with hail-shot.

## CAP. XV.

*The bill of conspiracies of victuallers and craftsmen.*

Victuallers  
conspiring to  
sell their vic-  
tuals at cer-  
tain prices,  
and labourers  
conspiring  
touching their  
works shall be  
punished.

The punish-  
ment of the  
labourers con-  
spiring the  
time or man-  
ner of their  
work.

§ El. c. 4.

**F**Orasmuch as of late divers sellers of victuals, not contented with moderate and reasonable gain, but minding to have and to take for their victuals so much as list them, have conspired and covenanted together to sell their victuals at unreasonable prices: (2) And likewise artificers, handicraftsmen and labourers have made confederacies and promises, and have sworn mutual oaths not only that they should not meddle one with another's work, and perform and finish that another hath begun, but also to constitute and appoint how much work they shall do in a day, and what hours and times they shall work, contrary to the laws and statutes of this realm, and to the great hurt and impoverishment of the King's majesty's subjects: (3) For reformation thereof it is ordained and enacted by the King our sovereign lord, the lords and commons in this present parliament assembled, and by the authority of the same, That if any butchers, brewers, bakers, poulterers, cooks, cofermongers or fruiterers, shall at any time from and after the first day of March next coming, conspire, covenant, promise or make any oaths, that they shall not sell their victuals but at certain prices; (4) or if any artificers, workmen or labourers do conspire, covenant, or promise together, or make any oaths, that they shall not make or do their works but at a certain price or rate, or shall not enterprize or take upon them to finish that another hath begun, or shall do but a certain work in a day, or shall not work but at certain hours and times, (5) that then every person so conspiring, covenanting, swearing or offending, being lawfully convicted thereof by witness, confession or otherwise, shall forfeit for the first offence ten pounds to the King's highness; and if he have sufficient to pay the same, and do also pay the same within six days next after his conviction; or else shall suffer for the same offence twenty days imprisonment, and shall only have bread and water for his sustenance: (6) And for the second offence shall forfeit twenty pound to the King, if he have sufficient to pay the same, and do pay the same within six days next after his conviction, or else shall suffer for the second offence punishment of the pillory; (7) and for the third offence shall forfeit forty pound to the King, if he have sufficient to pay the same, and also do pay the same within six days next after his conviction, or else shall sit on the pillory and lose one of his ears, and also shall at all times after that be taken as a man infamous, and his saying, depositions or oath not to be credited at any time in any matters of judgment.

A conspiracy  
by a society or

II. And if it fortune any such conspiracy, covenant or promise to be had and made by any society, brotherhood or company

ny of any craft, mystery or occupation of the victuallers above mentioned, with the presence or consent of the more part of them, that then immediately upon such act of conspiracy, covenant or promise had or made, over and besides the particular punishment before in this act appointed for the offender, their corporation shall be dissolved to all intents, constructions and purposes.

III. And it is further ordained and enacted by the authority aforesaid, That all and singular justices of assise, justices of peace, mayors, bailiffs and stewards of leets, at all and every their sessions, leets and courts, shall have full power and authority to inquire, hear and determine all and singular offences committed against this statute, and to punish or cause to be punished the offender, according to the tenor of this statute.

IV. And it is ordained and enacted by the authority aforesaid, That no person or persons shall at any time after the first day of *April* next coming interrupt, deny, let or disturb any free-mason, rough-mason, carpenter, bricklayer, plaisterer, joiner, hardwearer, lawyer, tiler, paver, glazier, lime-burner, brick-maker, tile-maker, plumber or labourer, born in this realm or made denizen, to work in any of the said crafts in any city, borough or town corporate, with any person or persons that will retain him or them, albeit the said person and persons so retained or any of them do not inhabit or dwell in the city, borough or town corporate where he or they shall work, nor be free of the same city, borough or town; any statute, law, ordinance, or other thing whatsoever had or made to the contrary in any wise notwithstanding; (2) and that upon pain of forfeiture of five pound for every interruption or disturbance done contrary to this statute; the one moiety of every such forfeiture to be to the King, and the other moiety thereof to be to him or them that will sue for the same in any of the King's courts of record, by bill, plaint, action of debt or information, wherein no wager of law, essoin nor protection shall be allowed. *Continued by 22 & 23 Car. 2. c. 19. except as to such things as are thereby altered or repealed.*

Which magistrates may inquire of and punish offenders.

None of these occupations shall be prohibited to work in any town tho' he doth not dwell therein. Repealed by 3 & 4 Ed. 6. c. 20.

#### CAP. XVI.

The King shall have authority to remove such as have by letters patents the keeping of castles, fortresses or bulwarks, giving to them as good fees, wages and profits and of such like estate, and as good assurance in the same, as they had in the other.

EXP.

#### CAP. XVII.

A confirmation of the attainder of Sir *William Sherrington*, who was indicted and attainted by confession of high treason, for the counterfeiting of testons to the value of xji. M. li.

#### CAP. XVIII.

Sir *Thomas Seymour*, lord *Seymour*, lord admiral, attainted of high treason for attempting to get into his custody the person of

of

of the King and the government of the realm, for obtaining many offices, retaining many men into his service, for making great provision of money and victuals, and for endeavouring to marry the lady *Elizabeth* the King's sister, and for persuading the King in his tender age to take upon him the rule and order of himself. All persons shall be paid such debts as the said lord *Seymour* did owe them.

## CAP. XIX.

*An act touching abstinence from flesh in lent and other usual times.*

Eating of flesh  
on certain  
days and times  
forbidden.  
5 & 6 E. 6. c. 3.

**A**LBEIT the King's subjects now having a more perfect and clear light of the gospel and true word of God, through the infinite mercy and clemency of Almighty God, by the hands of the King's majesty, and his most noble father of famous memory, promulgate, shewed, declared and opened, and thereby perceiving that one day or one kind of meat of itself is not more holy, more pure, or more clean than another, for that all days and all meats be of their nature of one equal purity, cleanness and holiness, and that all men should by them live to the glory of God, and at all times and for all meats give thanks unto him, of which meats none can defile Christian men or make them unclean at any time, to whom all meats be lawful and pure, so that they be not used in disobedience or vice: (2) Yet forasmuch as divers of the King's subjects, turning their knowledge therein to satisfy their sensuality, where they should thereby increase in virtue, have of late time more than in times past broken and contemned such abstinence, which hath been used in this realm upon the Fridays and Saturdays, the embring days, and other days, commonly called *Vigils*, and in the time commonly called *Lent*, and other accustomed times: (3) The King's majesty considering that due and godly abstinence is a mean to virtue, and to subdue mens bodies to their soul and spirit, and considering also specially that fishers and men using the trade of living by fishing in the sea, may thereby the rather be set on work, and that by eating of fish much flesh shall be saved and increased, (4) and also for divers other considerations and commodities of this realm, doth ordain and enact, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all manner of statutes, laws, constitutions and usages, concerning any manner of fasting or abstinence from any kinds of meats heretofore in this realm made or used, shall from the first day of *May* next ensuing lose their force and strength, and be void and of none effect, &c.

All laws concerning fasting repealed. The penalty for eating of flesh upon any day used commonly as a fish day. 27 El. c. 1. Altered as to the penalty. 5 El. c. 5. f. 15. and 15 El. c. 7. f. 22. The penalty for the second offence. Justices of gaol delivery and peace shall determine these offences. To what persons this statute shall not extend. St. Laurence even, and St. Mark's day. Within what time the offender shall be indicted. Exp. The laws appointing fish-days being expired.

## CAP. XX.

*An incumbent for not paying of his tenths due to the King, the same being demanded, shall be deprived of that benefice.*

**W**HERE in the parliament holden upon prorogation at Westminster the third day of November in the six and twentieth year of the reign of the most excellent prince, King Henry the Eighth, father to our sovereign lord the King's majesty that now is, amongst other things concerning the payment of one annual pension of the tenth part of all possessions of the church, spiritual and temporal, granted to the King's highness and his heirs, it was enacted, ordained and established, That every ecclesiastical person, and other, having any ecclesiastical promotion or dignity, specified in the said act, which did not duly pay the said tenth part, and by reason thereof were certified by the archbishop, bishop or other authorised in the said act, should upon such certificate made according to the tenor of the said act, be judged deprived ipso facto of all such dignities and promotions spiritual, that any such incumbent making such default, had at the time of any such certificate made, or at any time after, as by the said act more plainly may appear.

II. Forasmuch as the pain limited in the said statute, in such form and manner as in the same is expressed, is very sore and dangerous un-  
 to all the King's faithful and obedient subjects of the clergy, whereof  
 divers sithen the making of the said statute, intending none otherwise than  
 most willingly and with good heart that payment should be made of the  
 said tenths by them due, without fraud or delay, to such officers, and  
 at such times as by the said statute is appointed and declared, by the  
 default and negligence of their farmors, and other whom they have  
 trusted to make payment thereof, and by divers other sinister means,  
 being certified or making default of payment thereof, have incurred the  
 pain and danger of the said statute, with the loss and deprivations of  
 all the spiritual promotions whereof they were then incumbents, being  
 also made unable to take any other, to the utter undoing of such persons,  
 and the like peril and danger of many other the King's most humble  
 and faithful subjects of the clergy, against whom the like things may  
 be practised and attempted hereafter: (2) For the moderation of  
 which pain, and to the end that the King's majesty, our sovereign lord  
 that now is, and his heirs and successors, may be truly answered and  
 satisfied of the said yearly pension or annual rent of the tenth part,  
 united and knit to his imperial crown in manner and form as in the  
 said act is contained:

III. The King's said faithful and most obedient subjects, the  
 clergy of this realm, do most humbly beseech his Majesty, that  
 it may be enacted and established by his Highness, the lords  
 spiritual and temporal, and the commons in this present parlia-  
 ment assembled, and by the authority of the same, That if any  
 sum of the said annual pension being once due, and demanded  
 according to the manner and form specified in the said act, be  
 not truly contented and paid unto such archbishop or bishop, or  
 their

The Inconve-  
 niencies ensu-  
 ing by the stat.  
 of 26 H. 8. c. 3.  
 touching de-  
 privation of all  
 a man's spiri-  
 tual livings for  
 lack of pay-  
 ment of the  
 tenth of one.

The penalty  
 for default of  
 payment of  
 tenths shall be  
 the forfeiture  
 of that only a  
 benefice out of  
 the which the  
 same is due.

their ministers and officers, or to such other person or persons, or their ministers or servants, as shall have the charge of collection thereof, every year yearly at the time of the said act expressed, and thereupon certificate made into the King's majesty's court of first-fruits and tenths, in writing under the seals of any archbishop or bishop, or of such as be limited and charged to the collection of the said pension by the said former act; then every incumbent so making default and certified, shall be judged deprived *ipso facto* of that only dignity, benefice or other ecclesiastical promotion, by what name soever it be called, whereof such certificate shall be made; (2) so that such dignity, benefice or other ecclesiastical promotion, whereof any incumbent making such default of payment shall be judged deprived as is aforesaid, shall be clearly void and destitute of incumbent in the law, to all intents and purposes as if such incumbent making such default of payment were dead in deed.

IV. And that no incumbent making such default of payment shall be therefore made unable to take or enjoy any other benefice or promotion spiritual, or incur any penalty, forfeiture or loss to be paid by them, their executors or assigns for the same default, other than in this present act is heretofore expressed; any thing in the said former act, or any other statutes or acts contained to the contrary notwithstanding.

V. Provided alway, That the said former act concerning the payment of the said yearly rent and pension, amounting to the tenth part of every such dignity, benefice or promotion spiritual, and every other act touching the same, and all articles, clauses and sentences in them or any of them mentioned, expressed or contained, now being in his or their force and effect, other than such as by this present act be already qualified or moderated, shall stand and abide in all his or their full strength, effect and virtue; any thing in this present act contained notwithstanding.  
*Repealed by 2 & 3 Ph. & Ma, c. 4, and revived by 1 El. c. 4.*

## C A P. XXI.

*An act to take away all positive laws made against marriage of priests.*

All laws prohibiting spiritual persons to marry, who by God's law may marry, shall be void. The benefits which would ensue if priests and ministers did live chaste, sole, and unmarried.

**A**Lthough it were not only better for the estimation of priests, and other ministers in the church of God, to live chaste, sole and separate from the company of women, and the bond of marriage, but also thereby they might the better intend to the administration of the gospel, and be less intricated and troubled with the charge of household, being free and unburdened from the care and cost of finding wife and children, and that it were most to be wished, that they would willingly and of their selves endeavour themselves to a perpetual chastity and abstinence from the use of women: (2) Yet forasmuch as the contrary hath rather been seen, and such uncleanness of living, and other great inconveniencies, not meet to be rehearsed, have followed of compelled chastity, and of such laws as have prohibited those (such persons) the godly use of marriage; It were better and rather to be suffered

*suffered in the common wealth, that those which could not contain, should after the counsel of scripture live in holy marriage, than feignedly abuse with worse enormity outward chastity or single life!*

II. Be it therefore enacted by our sovereign lord the King, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That all and every law and laws positive, canons, constitutions and ordinances heretofore made by authority of man only, which do prohibit or forbid marriage to any ecclesiastical or spiritual person or persons, of what estate, condition or degree they be, or by what name or names soever they be called, which by God's law may lawfully marry, in all and every article, branch and sentence, concerning only the prohibition for the marriage of the persons aforesaid, shall be utterly void and of none effect: (2) And that all manner of forfeitures, pains, penalties, crimes or actions which were in the said laws contained, and of the same did follow concerning the prohibition for the marriage of the persons aforesaid, be clearly and utterly void, frustrate and of none effect, to all intents, constructions and purposes, as well concerning marriages heretofore made by any of the ecclesiastical or spiritual persons aforesaid, as also such which hereafter shall be duly and lawfully had, celebrate and made, betwixt the persons which by the laws of God may lawfully marry.

III. Provided alway, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to give any liberty to any person to marry without asking in the church, or without any ceremony being appointed by the order prescribed and set forth in the book intituled, *The Book of Common Prayer and administration of the sacraments, &c.* any thing above mentioned to the contrary in any wise notwithstanding. 2 & 3 Ed. 6. c. 1. No marriage without asking in the church.

IV. Provided also, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to alter, change, revoke, repeal, or otherwise to disannul any decree, judgment, sentence or divorce heretofore had or made, but that all and every such decree, judgment, sentence and divorce, shall remain and be of such like force, effect, strength and degree, to all intents, constructions and purposes, as they were in before the making of this act, and as though this act had never been had ne made; this act, or any thing therein contained to the contrary in any wise notwithstanding. *Enforced by 5 & 6 Ed. 6. c. 12. Repealed by 1 M. Sess. 2. c. 2. and made perpetual by 1 Jac. 1. c. 25. § 50.* Decrees and divorces heretofore made.

#### CAP. XXII.

*An act concerning colouring of customs in other mens names, to the deceit of the King.*

**W**HERE at the parliament holden at Westminster in the first year of the reign of the noble King of famous memory, Henry the Eighth, it was ordained, established and enacted by the authority A confirmation of the statute of 1 H. 8.

c. 5. touching of the said parliament, That it should be lawful from thenceforth, that every Englishman, and all other the King's subjects, might in every port or haven within this realm of England, Ireland and Wales, and the marches of the same, and in the town of Berwick, where it should happen any merchandise to arrive, or to be charged and carried out, to custom in his name all manner of goods and merchandise of another Englishman or the King's subjects: And in like form every merchant stranger to custom in his name any goods or merchandise of any other merchant stranger, so that the said merchant stranger that customs the goods of another merchant stranger, and the very owner or proprietary of the goods so customed, be charged with like custom, subsidy, and other things, so that the King's grace were not defrauded of his right.

II. And if any merchant stranger or denizen, or any other the King's subjects, custom any goods or merchandise of any other stranger or denizen, or of any other the King's subjects, whereby the King's grace should lose his custom, subsidy or other his right or duty: that then the said merchant stranger or denizen, or any other the King's subjects, that so taketh upon him or them to do, should forfeit to the King the goods or merchandise so customed; (2) and over that, to forfeit to the party or parties in that behalf grieved, as much money as the goods or merchandise of the merchant stranger, denizen or other the King's subjects so cautelously customed, amounted unto.

III. And that no citizen of London, or other the King's subjects inhabiting in the cinque-ports, or any other being free of prisage or butlerage of wines, by grant, custom or otherwise, should custom any wines of any person or persons, not being free of any prisage or butlerage. (2) And if any person free of the said prisage and butlerage so did, that then the said person or persons that so did, should forfeit to the King the double value of the prisage of the said wines so customed. (3) And further, that it should be lawful to any person and persons grieved contrary to the said act, to have an action of debt against any person or persons that so customed the goods or merchandise in his name, and not in the owner's name, of the sum of the value of the said merchandise so customed and forfeited: in the which action no essoin or protection should lie, nor the defendant to wage his law, as by the said former act more at large doth appear: (4) Since the making of which act, divers persons, as well strangers and denizens as the King's subjects, forgetting their bounden duties to the King's highness, and nothing fearing the penalties and forfeitures mentioned in the said former act, do daily deceive the King, as well in his customs and subsidies, by payment of customs and subsidies in the names of such persons, other than such as be the very owners or proprietaries of the goods, wares and merchandise, of the prisage or butlerage of wines due to the King.

The penalty for customing of other mens goods, whereby the King loseth his duty.

IV. Wherefore be it ordained and enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That if any stranger born, denizen or not denizen, or any the King's subjects, do at any time from or after the last day of March next coming, any thing

or

or act contrary to the true meaning, tenor and purport of the same former act and statute, that then he and they so offending, shall lose and forfeit all his and their own goods and chattels personals for ever; (2) the moiety of which forfeiture shall be to the King, and the other moiety to him or them that will sue for the same by bill, plaint, action of debt or information; in which bill, plaint, action or information, no wager of law, essoin or protection shall be admitted or allowed.

V. Provided always, and be it enacted by the authority aforesaid, That every such bill, plaint, action or information, shall be had and pursued within three years next ensuing any such offence committed or done, or else the offender to be clearly free and discharged thereof; any law or statute to the contrary had or made notwithstanding.

### CAP. XXIII.

*The repeal of an act made in the xxxij. year of King Henry the Eighth, which was made, That marriage contracted in the face of the church, and consummate with bodily knowledge, to be deemed lawful, any former contract notwithstanding.*

**W**HEREAS in the xxxij year of the reign of the late King of famous memory, King Henry the Eighth, because that many inconveniencies had chanced in this realm by breaking and dissolving of good and lawful marriages, yea, whereupon also sometime issue and children had followed, under the colour and pretence of a former contract made with another, the which contract divers times was but very slenderly proved, and often but surmised by the malice of the party who desired to be dissolved from the marriage which they liked not, and to be coupled with another, there was an act made, That all and every such marriages, as within the church of England should be contracted and solemnized in the face of the church, and consummate with bodily knowledge, or fruit of children or child being had between the parties so married, should be by the authority of the said parliament deemed, judged and taken to be lawful, good, just and indissoluble, notwithstanding any precontract or precontracts of matrimony not consummate with bodily knowledge, which either of the persons so married, or both, had made with any other person or persons before the time of contracting that marriage which is solemnized or consummated, or whereof such fruit is ensued or may ensue, as by the same act more plainly may appear: (2) Sithence the time of which act, although the same was godly meant, the unruliness of men hath ungodly abused the same, and divers inconveniencies (intolerable in manner to Christian ears and eyes) followed thereupon, women and men breaking their own promises and faiths made by the one unto the other, so set upon sensuality and pleasure, that if after the contract of matrimony they might have whom they more favoured and desired, they could be content by lightness of their nature to overturn all that they had done afore, and not afraid in manner, even from

Part of the statute of precontracts repealed.

*from the very church door and marriage-feast, the man to take another spouse, and the spouse to take another husband, more for bodily lust and carnal knowledge, than for surety of faith and truth, or having God in their good remembrance, contemning many times also the commandment of the ecclesiastical judge, forbidding the parties having made the contract to attempt to do any thing in prejudice to the same:*

A repeal of so much of the statute of 32 H. 8. c. 38. as maketh that marriage indissoluble which is solemnized in the church, and consummated with bodily knowledge and fruit of child.

II. Be it therefore enacted by the King's highness, the lords spiritual and temporal, and the commons, in this present parliament assembled, That as concerning precontracts, the said former statute shall from the first day of *May* next coming cease, be repealed, and of no force or effect, and be reduced to the estate and order of the King's ecclesiastical laws of this realm, which immediately before the making of the said estatute in this case were used in this realm: (3) So that from the said first day of *May*, when any cause or contract of marriage is pretended to have been made, it shall be lawful to the King's ecclesiastical judge of that place to hear and examine the said cause: And (having the said contract sufficiently and lawfully proved before him) to give sentence for matrimony, commanding solemnization, cohabitation, consummation and tractation as becometh man and wife to have, with inflicting all such pains upon the disobedients and disturbers thereof, as in times past before the said statute the King's ecclesiastical judge by the King's ecclesiastical laws ought and might have done, if the said statute had never been made; any clause, article or sentence in the said statute to the contrary in any wise notwithstanding.

III. Provided always, and be it enacted, That this act do not extend to disannul, dissolve or break any marriage that hath or shall be so solemnized and consummated before the said first day of *May* next ensuing, by title or colour of any precontract, but that they be and be deemed of like force and effect, to all intents, constructions and purposes, as if this act had never been had ne made; any thing in this present act notwithstanding.

A confirmation of the residue of the said stat. of 32 H. 8. c. 38. 1 Eliz. c. 1.

IV. Provided also, That this act do not extend to make good any of the other causes to the dissolution or disannulling of matrimony, which be in the said act spoken of and disannulled, but that in all other causes and other things therein mentioned, the said former act of the xxxij. year of the late King of famous memory do stand and remain in his full strength and power; any thing in this act notwithstanding.

#### CAP. XXIV.

*An act for trial of murders and felonies committed in several counties.*

Trials of murders may be in several counties.

**F**Orasmuch as the most necessary office and duty of the law is to preserve and save the life of man, and condignly to punish such persons that unlawfully and wilfully murder, slay or destroy men, and also that another office and duty of law is to punish robbers and

and thieves, which daily endeavour themselves to rob and steal, or give assistance to the same, and yet by craft and cautelle do escape from the same without punishment :

II. And where it often happeneth and cometh in ure in sundry counties of this realm, that a man is feloniously stricken in one county, and after dieth in another county, in which case it hath not been founden by the laws or customs of this realm, that any sufficient indictment thereof can be taken in any of the said two counties, for that that by the custome of this realm the jurors of the county where such party died of such stroke, can take no knowledge of the said stroke being in a foreign county, although the same two counties and places adjoin very near together ; ne the jurors of the county where the stroke was given cannot take knowledge of the death in another county, although such death most apparently come of the same stroke : So that the King's majesty within his own realm cannot, by any laws yet made or known, punish such murderers or manquellers, for offences in this form committed and done ; (2) nor any appeal at some time may lie for the same, but doth also fail, and the said murderers and manquellers escape thereof without punishment, as well in cases where the counties where such offences be committed and done may join, as otherwise where they may not join. (3) And also it is a common practice amongst errant thieves and robbers in this realm, that after they have robbed or stoln in one county they will convey their spoil, or part thereof so robbed and stoln, unto some of their adherents into some other county where the principal offence was not committed ne done, who knowing of such felony, willingly and by false covin receiveth the same : (4) In which case, although the principal felon be after attainted in one county, the accessory escapeth by reason that he was accessory in another county, and that the jurors of the said other county, by any law yet made, can take no knowledge of the principal felony ne attainder in the first county, and so such accessories escape thereof unpunished, and do often put in ure the same, knowing that they may escape without punishment : (5) For redress and punishment of which offences, and safeguard of man's life, be it enacted by the authority of this present parliament, That where any person or persons hereafter shall be feloniously stricken or poisoned in one county, and die of the same stroke or poisoning in another county, that then an indictment thereof founden by jurors of the county where the death shall happen, whether it shall be founden before the coroner upon the sight of such dead body, or before the justices of peace, or other justices or commissioners which shall have authority to enquire of such offences, shall be as good and effectual in the law, as if the stroke or poisoning had been committed and done in the same county where the party shall die, or where such indictment shall be so founden ; any law or usage to the contrary notwithstanding.

III And that the justices of gaol-delivery and Oyer. and Terminer in the same county where such indictment at any time hereafter shall be taken, and also the justices of the King's bench, after such indictment shall be removed before them, shall and may

No indictment by the common law of the death of him that is stricken in one county, and dieth in another.

The trial of a manqueller that poisons or strikes a man in one county which dieth thereof in another. Ralt. pla. 51. ; Inst. 135. ; Mod. 121.

Where an appeal of murder in the case aforesaid shall be pursued.

Appeal against  
the accessory.

may proceed upon the same in all points, as they should or ought to do, in case such felonious stroke and death thereby ensuing, or poisoning and death thereof ensuing, had grown all in one and the same county: (2) and that such party to whom appeal of murder shall be given by the law, may commence, take and sue appeal of murder in the same county where the party so feloniously stricken or poisoned shall die, as well against the principal and principals as against every accessory to the same offences, in whatsoever county or place the accessory or accessories shall be guilty to the same. (3) and further, the justices before whom any such appeal shall be commenced, sued and taken, within the year and day after such murder and manslaughter committed and done, shall proceed against all and every such accessory and accessories in the same county where such appeal shall be so taken, in like manner and form as if the same offence or offences of accessory or accessories had been committed and done in the same county where such appeal shall be so taken, as well concerning the trial by the jurors, or twelve men of such county where such appeal or appeals shall be hereafter taken upon the plea of not guilty pleaded by such offender or offenders, as otherwise.

Trial of an ac-  
cessary in one  
county to a  
felony done  
in another.  
1 Leon. 270.  
3 Inst. 48.  
2 Co. 117.

IV. And further be it enacted by authority aforesaid, That where any murder or felony hereafter shall be committed and done in one county, and another person or mo shall be accessory or accessories in any manner of wise to any such murder or felony in any other county, that then an indictment found or taken against such accessory and accessories upon the circumstance of such matter before the justices of the peace, or other justices or commissioners, to enquire of felonies in the county where such offences of accessory or accessories in any manner of wise shall be committed or done, shall be as good and effectual in the law, as if the said principal offence had been committed or done, within the same county where the same indictment against such accessory shall be found: (2) and that the justices of gaol-delivery or *Oyer* and *Terminer*, or two of them, of or in such county where the offence of any such accessory shall be hereafter committed and done, upon suit to them made, shall write to the *custos rotulor*' or keepers of the records where such principal shall be hereafter attainted or convicted, to certify them whether such principal be attainted, convicted or otherwise discharged of such principal felony; who upon such writing to them or any of them directed, shall make sufficient certificate in writing under their seal or seals to the said justices, whether such principal be attainted, convicted or otherwise discharged or not. (3) And after they that so shall have the custody of such records, do certify that such principal is attainted, convicted or otherwise discharged of such offence by the law; that then the justices of gaol-delivery, or of *Oyer* and *Terminer*, or other three authorized, shall proceed upon every such accessory in the county where such accessory or accessories became accessory, in such manner and form as if both the said principal offence and accessory had been committed and done in the said county

county where the offence of accessary was or shall be committed or done: (4) and that every such accessary, and other offenders above expressed, shall answer upon their arraignments, and receive such trial, judgment, order and execution, and suffer such forfeitures, pains and penalties, as is used in other cases of felony; any law or custom to the contrary heretofore used in any wise notwithstanding.

## C A P. XXV.

*A bill for keeping of county-courts.*

**W**HERE heretofore in the most part of all the shires and counties within this realm, the county-court is and hath been usually kept and holden from month to month, and so at every month's end one county; yet albeit in some counties (though not many) the said county-courts are holden from six weeks to six weeks, by force whereof the officers award out process as well for the King as process of the peace, out of the King's bench, as also other common process betwixt party and party, and the attornies and solicitors, who sue the same, not knowing the private custom of those particular shires, which have and use their counties to be holden every six weeks, give their process like return as in those shires which have common custom to hold and keep county-courts every month; whereby the King's suits be not only deferred, the plaintiffs and demandants delayed of their lawful actions and demands, but also the said plaintiffs and demandants thereby put to double cost and charge, to the great ignominy and slander of the law, encouraging of the offenders and transgressors, and to the continual impoverishing of all those who have cause of suit:

Sheriffs shall keep their county-courts monthly.

II. In consideration whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of October next ensuing this present session of parliament, no county-court or courts hereafter to be kept within this realm shall be longer deferred but one month from court to court, and so the said courts from thenceforth shall be kept every month and none otherwise; any usage, custom, statute or law heretofore had or made to the contrary in any wise notwithstanding.

County-courts shall be kept monthly.

III. And be it further enacted by the authority aforesaid, That the sheriff of Northumberland from thenceforth shall keep the county-court of that shire in the town or castle of Alnwick and in none other place; any latter use lately begun and brought in to the contrary notwithstanding.

Where the county-court of Northumberland shall be kept.

## C A P. XXVI.

*An act against the carrying of white ashes out of the realm.*

**C**ONSIDERING that white ashes made within the realm, and other the King's dominions and territories, are very necessary and expedient for the making of soap and salt-petre, and for the whitening of linen cloth, dying and scouring of woollen cloth, and for other

White ashes shall not be shipped or carried over the sea.

*needful things in the realm; and that the same ashes now of late have been commonly conveyed over the seas, and thereby enhanced in price, and so scarce, that the King's loving subjects cannot have sufficient of the same for any convenient prices: (2) Wherefore be it ordained and enacted by the King's highness, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That no person or persons, after the first day of April next coming, shall ship, lade, carry or convey any white ashes towards the parts beyond the seas, upon pain of forfeiture of vi. s. viij. d. for every bushel of such ashes so to be shipped or laded to be carried or conveyed into the parts beyond the seas; (3) the moiety of which forfeiture shall be to the King, and the other moiety to him or them that will sue for the same in any of the King's courts of record, by action, bill, plaint, or information; in the which action, bill, plaint or information, no wager of law, essoin or protection shall be admitted or allowed.*

The penalty.

#### CAP. XXVII.

*The bill against false forging of iron gadds, instead of gadds of steel.*

None may forge nor sell gadds of iron like in fashion to gadds of steel.

**W**HERE divers persons of late have deceitfully forged and made of certain iron, called Bilbow iron, like to the fashion and manner of gadds of steel, and have sold the same so forged to divers of the King's subjects for steel, whereby the greatest part of edged tools, weapons and other necessary things having edges, are of little or no value or goodness, to the great hurt of the King's loving subjects: (2) for reformation whereof, be it enacted by the King's highness, by the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That if any person after the first day of May next coming do forge or make any such gadds of any iron, or do utter or put to sale any such gadds of any iron, he shall forfeit for ever gadd so forged or uttered, or put to sale, iv. d. (3) the moiety of which forfeiture shall be to the King, and the other moiety to him or them that will sue for the same in any of the King's courts of record, by action, bill, plaint or information, in the which action, bill, plaint or information no wager of law, protection or essoin shall be allowed or admitted.

The penalty.

#### CAP. XXVIII.

*For fines with proclamation in the county palatine of Chester.*

The force of fines levied of lands in Cheshire before the high justice of Chester, or the deputy or lieutenant.

**I**N humble wise shewn unto your excellent Majesty, your true and faithful subjects and liege-men, the inhabitants of your Grace's county palatine of Chester, That whereas heretofore by authority of parliament, divers necessary and beneficial statutes have been made for and concerning the levying of fines with proclamation, which are not only necessary for the preservation of quietness and concord amongst your loving subjects, and for the avoiding of strife and contention, but also for the great and perfect assurance of all such persons to whom any such fines are levied of any lands, tenements and hereditaments; which

said

*said beneficial and necessary statutes do not extend to any fines to be levied within your said county palatine of Chester:* (2) in tender consideration whereof, pleaseth it your most excellent Majesty, that it may be enacted by your Highness, and the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That all and singular fines, which at any time hereafter shall be levied or acknowledged before the high justice of our sovereign lord the King, or of his heirs and successors, of his county palatine of *Chester* for the time being, or before the deputy or lieutenant justice there for the time being, of any lands, tenements or other hereditaments lying or being within the said county palatine of *Chester*, (3) which shall be openly read and proclaimed three several days in the open sessions, in the presence of the justice of the said county palatine of *Chester* for the time being, or before the deputy or lieutenant justice there, at the same sessions that the same fine shall fortune to be ingrossed, and also that shall be openly read and proclaimed in the presence of the justice of the said county palatine of *Chester*, or before the deputy or lieutenant justice there for the time being, at the two next general sessions that shall be holden in the said county palatine of *Chester*, before the justice of the said county palatine, or before the deputy or lieutenant justice there, next after the levying and engrossing of such said fine, at three several days in either of the said two sessions, after such manner and form as is commonly used in the King's court of common pleas at *Westminster*, (4) shall be of like force, strength and effect in the law, to all intents, constructions and purposes, as fines being duly levied with proclamations before the King's justices of his common pleas be or ought to be of.

Extended to lands, &c. within the county of the city of *Chester*. 43 Eliz. c. 15. f. 3.

The force of fines levied before the high justice of *Chester* of lands in *Cheshire*.

## C A P. XXIX.

An offender in buggery being attainted by confession, verdict or 25 H. 8. c. 6. outlawry, shall suffer death as a felon, without loss of lands, 5 Eliz. c. 17. goods or corruption of blood. *Rep. 1 M. sess. 1 cap. 1.*

## C A P. XXX.

The mayor and jurats of *Rye* and *Winchelsey* in the county of *Sussex* shall appoint convenient places to lay on all ballast that shall be cast out of any ship or other vessel which shall come within the road, there to receive any loading; and all ballast cast out of any ship shall be laid upon the said appointed place, upon pain of forfeiture of xl. s. for every tun of ballast cast out contrary to the same form aforesaid,

## C A P. XXXI.

*In the city of Chester touching the taking of recognizance of statute merchant or Acton Burnel.*

**I**N their most humble wise shewen unto your Highness, your true, faithful and obedient subjects, the mayor, aldermen, sheriffs and acknowledged commonalty of your Grace's city of *Chester*, that where before this time the mayors of the said city of *Chester* were appointed and authorized to take and receive before the said mayors, recognizances according

Recognizances before the mayor of *Chester* shall be good.

21 Ed. 1.

All recogni-  
sances of sta-  
tute merchant,  
&c. acknow-  
ledged before  
the mayor of  
Chester shall  
be good in  
law.

to the statutes merchant and of Acton Burnel, whereupon were delivered unto the said mayor by the King's majesty's progenitors, that then were, a special seal concerning the same; by force whereof the mayors and other officers there appointed (time out of mind) have continually used and practised to take recognizances before them, of statutes merchant and Acton Burnel, and enrolled the same, which ever hitherto was allowed, permitted and taken to be good and effectual in the law; (2) until now of late that ambiguity and doubt hath risen by means of certain sinister persons, more for the defrauding of right, equity and justice, than upon any good ground or matter for their private commodity; because that in all points it doth not follow and agree, according to all the strait words of the said statutes merchant and Acton Burnel, as well to the great hurt and slander of the said city, as also to the decay of the merchants which have and shall lend their livings, wares and money, and great boldness of the creditors and debtors to detain the same in their hands, to the great decay of the city: (3) wherefore for the inconvenience thereof, and also for the avoiding the said ambiguity and doubt, it may please your Highness, that it may be by your Grace, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, ordained, established and enacted by the authority of the same, That all and every such recognizance of statutes merchant and Acton Burnel, which after the first day of May next coming shall be taken, knowledged, enrolled, had and sealed with the said seal appointed to the said city of Chester, before the mayor of the same city for the time being, in like manner as heretofore the predecessors mayors and other officers in the said city have accustomed to take and enroll and seal, shall be as good, effectual and of force in the law, to all intents, constructions and purposes, as if the taking of such recognizance did fully agree and accord to all intents and purposes, with the strait words of the said statutes of Acton Burnel and the statute merchant: (4) and that upon all certificates of the said mayors hereafter, like process and execution to be awarded and directed out of the high courts of chancery and common place to all sheriffs, mayors, bailiffs or other officers in England or Wales, in as ample manner and form as is used elsewhere within this realm, for any recognizance taken upon any of the statutes aforesaid; any law, statute, liberty, franchises or usage had or used to the contrary notwithstanding.

## CAP. XXXII.

*An act to continue certain statutes.*

Statutes concerning jeofails, mispleading, attornies, and of granting a tales de circumstantibus shall be perpetual.

**WHERE** in the parliament begun and holden at Westminster the xxxij. year of the reign of our late most dread sovereign lord King Henry the Eighth, and there by divers prorogations continued until the xxiv. day of July in the xxxij. year of the reign of the said late King Henry the Eighth, there was one act made and established for and concerning the reformation of mispleading, Jeofayls, and attornies; which said act with the proviso were made to endure until the last day of the next parliament: (2) and where also at the parliament holden

*bolden at Westminster in the xxxv. year of the reign of our said late most dread sovereign lord, one act was made, that for non-appearance in juries, to have de circumstantibus: (3) and in the parliament bolden at Westminster in the xxxvii. year of the reign of our said late most dread sovereign lord King Henry the Eighth, the said acts and either of them were continued until the end of the next parliament; (4) be it enacted and established by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the acts aforesaid, and either of them, and all clauses, articles and provisions in them and every of them contained, shall continue and endure in their force and strength for ever.*

32 H. 8. c. 30.  
35 H. 8. c. 6.  
37 H. 8. c. 22.  
4 & 5 Ph. &  
M. c. 7.

## CAP. XXXIII.

*A bill for horse and horse-stealers.*

**F**ORASMUCH as it is and hath been ambiguous and doubtful upon the words mentioned in one act of parliament made in the first year of the reign of our sovereign lord the King, Whether that any person being in due form of the laws found guilty, or otherwise attainted or convicted, for felonious stealing of one horse, gelding or mare, ought to be admitted to have or enjoy the privilege and benefit of his clergy and sanctuary; (2) Therefore it is declared and enacted by the King our sovereign lord, and the lords and commons in this present parliament assembled, and by the authority of the same parliament, That all and singular person and persons feloniously taking or stealing any horse, gelding or mare shall not be admitted to have or enjoy the privilege or benefit of his or their clergy or sanctuary, but shall be put from the same, in like manner and form as though he or they had been indicted or appealed for felonious stealing of two horses, two geldings or two mares of any other, and thereupon found guilty by verdict of twelve men, or confessed the same upon his or their arraignment, or stand wilfully or of malice mute.

Whosoever  
stealeth an  
horse, &c. shall  
lose his clergy.  
37 H. 8. c. 8.  
1 Ed. 6. c. 12.  
c. 10.  
Dyer 99.  
pl. 59.

## CAP. XXXIV.

*An act touching the sheriff of Northumberland to be accountable for his office as other sheriffs be.*

**F**ORASMUCH as the sheriffs of the county of Northumberland, which have been named now of long time passed, have not accounted to the King's majesty of the issues and profits of their bailiwick in the King's highness exchequer or elsewhere, as other sheriffs of the said county in old time passed have done, nor as the sheriffs of other counties of this realm do at this time, but do yearly receive and take the whole profits thereof to their own uses, to the great detriment and loss of the King our sovereign lord, both of his vicountels and other farms answerable by the hands of the said sheriff, and of all other debts, issues, fines and amerciaments within the said county, and of all alienations and intrusions, wards, marriages, reliefs and such other:

II. Wherefore be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority

The sheriff of  
Northumber-  
land shall put  
in sureties in

the exchequer  
for his ac-  
compt as other  
sheriffs do.

rity of the same, That from henceforth all and every such person and persons as shall be hereafter named to be sheriff of the said county of *Northumberland*, forthwith before he receive his patent, and before he do exercise any part of the said office, shall put in sufficient sureties by himself or by his sufficient deputy or deputies unto the King's exchequer, there to enter in recognizances in such sum, and upon such conditions, as to the lord treasurer and barons of the said exchequer shall seem convenient, in manner and form as all other sheriffs of other counties of this realm do, upon pain of every such sheriff making default, to forfeit to the King's majesty an hundred pound, to be levied of his goods and chattels, lands and tenements, where-soever they may be found, to the King's highness use: (2) and that the said barons from time to time, shall cause such process to be made for the King for the levying of the said hundred pound so to be forfeited, to be directed to such person and persons, and in such nature and sort, as to them shall seem best for the King for the levying thereof; any thing in this act, or any other law, statute, use, provision or custom to the contrary notwithstanding.

How far the  
sheriff of Nor-  
thumberland  
shall be charg-  
ed.

III. Provided always, and be it enacted by the said authority, That any such sheriff being so bounden as is abovesaid, shall not be accountable but for his own time and for the year of his sheriffwick only, neither shall be charged in or upon his account, by any process, with any arrearages or duties due to the King's majesty by any of his predecessors in the said office of sheriff; any thing in this act or any law, usage or prerogative to the contrary notwithstanding.

#### C A P. XXXV.

A confirmation of a subsidy of six shillings in the pound, granted by the clergy to the King, to be taken in three years.

#### C A P. XXXVI.

An act for the relief granted to the King's majesty, by the lords and commons, out of sheep, cloths, goods, debts, &c. to be paid in three years. *Altered by 3 & 4 Ed. 6. c. 23. and now expired.*

#### C A P. XXXVII.

*An act against the carrying of bell metal out of the realm.*

No person  
shall carry  
bell metal,  
&c. out of this  
realm.

33 H. 8. c. 7.

3 Inst. 97.

Savil 9, 12.

This act is not  
upon the roll.

WHERE in the parliament holden at Westminster in the three and thirtieth year of our late sovereign lord of famous memory, King Henry the Eighth, it was enacted, That no person or persons should carry or convey by water or otherwise, any brass, copper, latten, bell-metal, pan-metal or gun-metal or shroff-metal, whether it be clean or mixed, tin and lead only excepted, into any part beyond the sea, or into any outward realm or dominion whatsoever it be, upon pain of forfeiture of double the value thereof: (2) and where also by the said statute it was likewise enacted, That no person or persons should at any time ship or carry any of the said metals, to carry or discharge the same in any part of this realm, unless such person or persons, before the shipping thereof, did declare and manifest unto the customs of such port or creek where the same metal should be shipped, the true weight of

of all such metal as should be shipped; (3) and should also make a sufficient obligation in the law, in the which he should be bounden to the said customer, to the King's use, in such sum as should amount to the double value of the said metal so declared and manifested, with condition that the same should be discharged at some port or creek within this realm, and in no other place, upon pain to forfeit the same, in manner and form above rehearsed, as by the said act amongst other things more plainly appeareth.

II. Forasmuch as the pains and forfeitures in the said estatute are not great enough, and forasmuch also as divers covetous and greedy persons having no respect or obedience to the laws, have craftily and by all sinister means practised to defraud the said estatute, some by bribing and rewarding the searchers, masters, pursers or other officers of ships, some by secret conveying thereof in small creeks, sugar chests, hogheads or otherwise: (2) be it therefore ordained and enacted, That from and after the feast of Easter next coming, no person or persons shall carry or convey, or ship to the intent to carry or convey any brass, copper, latton, bell-metal, pan-metal, gun-metal or shroff-metal, whether it be clear or mixed, (tin and lead only excepted) into any part beyond the sea, or into any outward realm or dominion whatsoever it be, (3) upon pain to forfeit the double value thereof and ten pound for every thousand weight of the same metal so carried and conveyed, or shipped to the intent to be carried or conveyed; the trial whereof shall be in like manner and form as in the said former act is expressed.

The penalty for carrying or for shipping to carry any brass, latton, &c. beyond the sea. In part repealed by 5 & 6 W. & M. c. 17.

III. And be it further enacted, That no person or persons after the said feast shall ship or carry any of the said metals prohibited by this statute, to carry or discharge the same in any part of this realm, unless such person or persons before the shipping thereof do declare and manifest to the customer of such port or creek where the same metal shall be shipped, the true weight of all such metals as shall be shipped, and shall also before the shipping thereof make a sufficient obligation in the law, in which he shall be bounden to the said customer to the King's use, in such sum as shall amount to the double value, and x l. for every M. weight so declared and manifested, with condition as in the said statute is appointed and enacted, and shall make certificate of the discharge thereof, in like manner as in the said statute is further ordained and enacted.

What he must do that shipper metals in one port of this realm to carry to another.

IV. And be it further enacted, That if any customer, comptroller or his their deputy or deputies, by covin or by any other undue mean, will suffer any person, after that the metal is shipped or carried contrary to the meaning of this act, to make obligation or obligations without dates, for the discharge and certificate of their metal as is aforesaid, that then such customer so suffering or receiving such obligation or obligations, shall lose his office and the value of the metal so shipped or carried.

The penalty of the master of a customer offending.

V. And be it further enacted, That if any master, owner, purser or boatswain of any ship do willingly permit or suffer any of the metals aforesaid to be shipped contrary to the tenor of this act, or else perceiving any such metals to be shipped, do not disclose the same within three days after knowledge had, to the customer

The penalty of the master of a ship which carrieth the metal.

customer or comptroller of the same port or his or their deputy or deputies where the same is shipped, that then every such owner, master, purser or boatswain so willingly permitting the same metal to be shipped, or concealing the same when he perceiveth it to be shipped, shall forfeit the double value of the same metal so shipped or carried: (2) and if any customer or searcher do willingly suffer any of the metals aforesaid to be shipped contrary to the meaning of this act, or else having knowledge that it is secretly shipped or carried, do not seize the same to the King's use: then every customer or searcher so offending shall lose his office and the value of the metal so shipped or carried.

No metal shall be laden but where there is a customer.

VI. And be it further enacted, That no person or persons shall after the said feast lade, ship or carry into any part beyond the sea any of the metals aforesaid, but only out of such port or creek where the customer or his deputy is resident and dwelling, upon pain of forfeiture of the said metal and ten pound for every thousand weight so shipped or carried; (2) the moiety of all which forfeitures shall be to our sovereign lord the King, and the other moiety to him or them that will sue for the same by bill, plaint, information, action of debt or otherwise, in any of the King's courts, in which no essoin, protection or wager of law shall be admitted or allowed.

31 H. 8. c. 10.  
A confirmation of the statute of 33 H. 8. c. 7.

VII. And be it further enacted, That the said estatute made in the said three and thirtieth year of the reign of the said late King *Henry* the Eighth, and every article and provision, being not altered by this estatute, shall be good and effectual.

#### C A P. XXXVIII.

The streets, lanes, ways and cauleys in *Calice*, shall be paved, and all the houses there shall be covered with tiles or slates.

#### C A P. XXXIX.

The King's general and free pardon confirmed by parliament. Except &c. E X P.

#### *Anno tertio & quarto Edwardi Sexti.*

**A**CTS made in the session of this present parliament, bolden upon prorogation at Westminster the fourth day of November in the third year of the reign of our most dread sovereign lord Edward the Sixth, by the grace of God, King of England, France, and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, and there continued and kept to the first of Februrary in the fourth year of the reign of our said sovereign Lord, as as followeth.

## CAP. I.

*An act that the lord chancellor or lord keeper of the great seal for the time being shall name and appoint the custos rotulorum throughout all shires of England, according as in time past hath been accustomed.*

**W**HERE in the parliament holden at Westminster in the seven and thirtieth year of the reign of the most excellent prince of famous memory, King Henry the Eighth, it was enacted, That no person or persons should, from the making of the said act, be nominated and appointed to the office or offices of the custos rotulorum within any shire of this realm of England, Wales, or other the King's dominions, marches or territories of the same, but such as should have a bill signed with the King's hand for the same; (2) which bill signed should be a sufficient warrant by authority of the said act to the lord chancellor of England and lord keeper of the great seal for the time being, to make from time to time commission or commissions, assigning and authorizing thereby the same person to be custos rotulorum, until the King had by another bill assigned, with his own hand, appointed and ordained another person to have, occupy and exercise the same office of custos rotulorum; (3) and that the said person appointed and assigned to be custos rotulorum as is above-said, should and might occupy, exercise and enjoy the said office of custos rotulorum by himself, or by his sufficient deputy learned in the laws of this realm, and meet and able to supply the said office according to the tenor of the grant or commission, as by the same act among other things more at large it doth and may appear:

II. Since the making of which statute, divers and many persons being in the said offices of custos rotulorum in divers shires of the realm, have departed this present life and died, so that there hath not come to the hands of the chancellor of England or lord keeper of the great seal, any bill or bills assigned with the King's majesty's hand, for the naming, appointing or assigning of any new custos rotulorum in the same shires, the said offices have remained void for a long time, to the great let of justice; (2) and also for that it shall be very tedious and much to the molesting of the King's majesty upon every avoidance of such custos rotulorum by death or otherwise, to move his Majesty for the signing of bills for other persons to be elected, named, chosen and appointed to supply the said offices of custos rotulorum, being void; (3) and for that the nomination and appointing of the said office of custos rotulorum, long time before the making of the said statute last before rehearsed, did appertain and belong to the office of the chancellor of England or lord keeper of the great seal for the time being:

III. Be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the chancellor of England or lord keeper of the great seal for the time being, shall at all time and times hereafter, and from time to time, without any bill or bills to be assigned with the King's hand, name, elect, assign and appoint such

The lord chancellor, &c. shall name the custos rotulorum in every shire of England and Wales.

37 H. 8. c. 1.  
1 W. & M.  
Stat. 1. c. 21.  
c. 4.

Reasons why the custos rotulorum should be assigned by the lord chancellor and not by the King.  
4 Mod. 167-1.

The lord chancellor, &c. shall appoint the custos rotulorum in every shire.

such person and persons to be *custos rotulorum* within every shire of this realm of *England, Wales* and other the King's dominions, marches and territories of the same, or by any of them, as by the discretion of the said lord chancellor or lord keeper of the great seal for the time being, shall be thought able and meet to have and exercise the same: (2) and that the said person and persons so to be appointed, elected, named or assigned by the said lord chancellor or lord keeper of the great seal for the time being, shall and may occupy, exercise and enjoy the same office of *custos rotulorum* by himself or by his sufficient deputy or deputies, in as ample and large manner and form, as if the said act had never been had ne made; the before rehearsed act, or any thing therein contained to the contrary hereof in any wise notwithstanding.

*Custos rotulorum* may exercise his office by himself or his deputy.

The right of others saved which have authority to name the *custos rotulorum*.

IV. Provided alway, and be it enacted by the authority aforesaid, That all such as now have any of the said offices of *custos rotulorum* by the King's letters patents or commission, to them or any of them made, shall and may enjoy, have and exercise their said offices by virtue of the same letters patents or commission, by himself or his sufficient and able deputy instructed in the laws of this realm; any thing in this present act had or made to the contrary notwithstanding.

V. Provided also, that it be enacted by the authority aforesaid, That the archbishop of *York*, the bishop of *Durham*, the bishop of *Ely* and every of their successors, the chancellor of the duchy of *Lancaster* for the time being, and all and every person and persons, corporations and bodies corporated, to whom the King's majesty or any of his noble progenitors, by his or their letters patents or act of parliament, have given and granted any liberty and authority, or otherwise have authority by other lawful means or ways, to ordain, make and constitute any of the said officers of *custos rotulorum* within any county palatine or other place, shall and may have and enjoy the same liberty and authority, according as they have had and enjoyed the same; any thing in this present act had or made to the contrary notwithstanding.

## C A P. II.

### *An act for the true making of woollen cloths.*

In towns not corporate, justices of peace shall appoint overseers for the true making of woollen cloth, &c. The clothier shall set his seal of lead to his cloth.

**F**ORASMUCH as by the slight and subtle making of cloths and colours within divers parts of this realm, now of late practised and used, not only great infamies and slanders have grown to the same realm, but also the King's majesty's faithful and true subjects have sustained great loss in the use and wearing of the same cloths so slightly and subtilly made: (2) for remedy and reformation whereof; be it ordained and enacted by the King's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That every clothier and cloth-maker, shall from the feast of Annunciation of our lady next coming, set his seal of lead to his cloth, declaring thereby the just lengths thereof to be tried by the water.

II. And that no person shall from the said feast strain or stretch any

any set cloths, or any other cloth, above one yard and an half in length, and a quarter of a yard in breadth, upon pain to forfeit xl. s. for every default.

III. And that no person or persons shall from the said feast, upon pain last before remembered, put to sale any cloth, which when it shall be wet shall shrink more than one yard and an half in all the length, and a quarter of a yard in breadth: (2) and that narrow streits and kerfies shall not from the said feast be stretched above a yard in length, and half a quarter of a yard in breadth, (3) upon the pain for every default therein xx. s. (4) nor shall put to sale any cloth, narrow streit or kerfie, the pieces whereof being wet shall shrink more than after the same several rates in the whole piece, upon pain to forfeit for every such offence xx. s.

Stretching of cloth.  
5 & 6 Ed. 6.  
c. 6.  
39 El. c. 10.  
43 El. c. 10.  
shrink of cloth.

IV. And further, That no person or persons occupying the feat of dying, shall dye or alter into colours, or cause to be dyed or altered into colours, any woollen cloths, as brown, blues, pewks, tawnies, or violets, except the same woollen cloths be perfectly boiled, greined or maddered upon the woad, and shor with good and sufficient cork or orchal, after a due, substantial and sufficient manner of workmanship, according to the ancient workmanship in time past used, upon pain for every default to forfeit xx. s.

Dying of cloth.

V. Nor that any person shall from the said feast dye any wool to be converted into cloth, called russets, musters, marbles, greys, roys and such like colours, or to be converted and made into hats or caps, unless the same wool be perfectly woaded, boiled and maddered, according to the true and ancient usage, upon the pain of forfeiture for the false dying of every such cloth, or of as much wool as shall serve for the making of every cloth, contrary to the true meaning hereof, xl. s. (2) Nor shall dye with brasel, to the intent to make a false colour in cloth nor wool, hats nor caps, upon pain for every default to forfeit xx. s.

Dying of wool.

VI. And that no person or persons shall after the said feast put any flocks, chalk, flower or starch, or any other deceivable thing, upon any set cloth or upon any other cloth or cloths coloured or uncoloured, upon pain to forfeit for every such offence xl. s.

No deceivable thing shall be put upon cloth.

VII. And that no person shall from the said feast occupy any yeron cards or pickards, in rowing of any set cloth or any manner of woollen cloth, upon pain to forfeit as well the said yeron cards or pickards, as also the sum of xx. s. for every such offence.

No iron cards or picards.

VIII. Nor that any person shall from the said feast sell any cloth by any other less measure than after the true content thereof, to be meten and measured by the yard, adding to every yard one inch of the rule, according to the statute made in the sixth year of the reign of the most worthy prince of most famous memory, King Henry the Eighth, father unto our sovereign lord the King that now is, upon pain to forfeit for every yard of cloth so put to sale by any other less measure, vi. s. viii. d. (2) and that no person shall from the said feast put to sale here

Measure of cloth.  
6 H. 8. c. 9.  
f. 9.

Pressed cloth.  
within

within the realm, either by retail or otherwise, any cloth being pressed, to be occupied and worn here within the realm of *England, Wales or Ireland*, upon pain of forfeiture of the same cloth, or the value thereof, that have been so pressed and put to sale, as is last before remembered.

Overseers appointed by justices of peace or chief governors of corporate towns.

IX. And for the better execution of this statute, be it enacted by the authority aforesaid, That in every town, village or hamlet, being not corporate, where any cloth shall be made or sold, the justices of peace of the same shire where any such town, village or hamlet is, or two of them at the least, ; and in every city, borough or town corporate, the head officer or officers of every of the same city, borough or town corporate together with the wardens of the clothworkers, or two of them at the least, shall have full power and authority by virtue of this act, once every year to convent and call before them, by their precept or otherwise, two, four, six, eight or more, as they shall think good by their discretion, of the most honest, discreet and indifferent men of every such city, borough, town, village or hamlet where any cloth shall be made or sold, and them shall constitute, ordain and appoint to be overseers for one whole year then next following, within the city, borough, town, village or hamlet where the same overseers shall be dwelling, charging them also upon their oaths, and as they do tender the honour of the realm, and the common wealth of the same, that they do endeavour themselves for that year, as much as in them shall lie, to see that this statute be truly observed and kept within the limits of their charge in every part thereof.

The overseers duty.

X. And that the same overseers, or two of them, shall every quarter of the said year at the least, or so often as need shall require, by their discretions, by force hereof, visit and go into every clothiers, drapers, clothworkers, dyers and pressers houses, shops and other places where cloth or dyed wool shall be, and there to make due search, and to view the cloths and wools made or dyed, or remaining to be sold, and to search and try, as well whether the said cloths be drawn or strained, or falsly dyed, as also of all other the defaults before specified, committed or done contrary to the true meaning of this act. (2) And if upon the search, the cloths be found drawn and strained, or the cloth and wools falsly dyed or coloured, or any other of the said faults committed or done contrary to the true meaning of this statute, that then the said several forfeitures to incur upon the party or parties which shall offend in the same, or in any of them ; (3) the one half of all which forfeitures to be unto the King our sovereign lord, his heirs or successors, and the other half to such of the said overseers as doth find the said defaults or causes of forfeitures, and that will sue for the same in any of the King's courts of record, or before the justices of peace within any such city, borough or town corporate, or before the justices of peace within any shire where any such forfeitures shall be had out of any city or town corporate; the same suit to be pursued by bill, plaint, action of debt, information or otherwise; and in which suit no wager of law, essoin or protection shall be allowed for the defendant.

The forfeiture for defaults in cloth, and who shall have them.

XI. And

XI. And if the said overseers shall be negligent, and will not sue for the same forfeitures by the space of one half year next after the cause of the same forfeitures committed and done, that then the one half of the same forfeiture to be unto our sovereign lord the King, his heirs or successors, and the other half to him which will sue for the same, as is aforesaid, within one other half year next after such default to be had by the said overseers.

XII. And if any of the said persons so commanded to appear to be made overseers, as is aforesaid, and having no reasonable excuse, do refuse to come and to take upon him or them to be an overseer as is aforesaid, that then every such person so refusing, and having no reasonable excuse so to do, to forfeit for every such refusing xl. s. the one half thereof to be to the King our said sovereign, his heirs or successors, and the other half to the justices of peace, or other head officer or officers by whose commandment he was commanded to appear, or to be an overseer; (2) and the same overseer so offending to remain in ward of the sheriff until such time as he hath made payment of the said forfeiture, or otherwise put in sufficient bond for the satisfaction of the same. (3) And if the same overseers, or two of them at the least, do not once every quarter of the year make due search for the true executing of this statute, that then every of the said overseers to forfeit for every such default x. l. the one half to be to the King's highness, his heirs or successors, and the other half to him that will sue for the same by bill, plaint, action of debt, information or otherwise; in which suit no essoin or protection shall be allowed for the defendant. (4) And if the said overseers shall be interrupted and not suffered to enter into the said houses, shops or other places where any such cloths or wools shall be made or dyed, or any other of the said defaults shall happen to be done or committed, there to make search for the better executing of this statute, that then every one that so shall make any such interruption shall forfeit xx. li. the one half of which forfeiture to be to our said sovereign lord the King, his heirs or successors, and the other half thereof to be to the said overseers to whom any such interruption shall be made, and the same to be obtained and pursued for in such manner and form as before in this act is expressed for the recovery of other the said forfeitures.

The forfeiture of him which refuseth to be overseer.

The forfeitures for the interruption of the overseers.

XIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to every person and persons to put to sale any cloth or cloths made, dyed or pressed, which before the said feast of the Annunciation of our lady shall be made, dyed or pressed, any time within one year next after the said feast of the Annunciation of our lady, so as the aulnager or his deputy, or other head officer in any such city, borough, town, village or hamlet, do put some notorious mark to every such cloth, whereby the same may be known to be made before the said feast of the Annunciation of our lady next coming.

XIV. Provided also, That no manner of person shall take any advantage of any of the said forfeitures by reason of this statute, Within what time the forfeiture shall be taken.

statute, unless the same person doth commence his suit within one year next after the said offences and forfeitures committed.

Cloths shall  
be marked  
with the letter  
E. crowned.

XV. And to the intent that all such cloths as shall be made within this realm, or any other of the King's dominions, after the said feast, shall be the better known from the other cloths made before the same time, be it therefore enacted by the authority aforesaid, That every clothier shall before such time as he shall put his cloth to sale, being made after the said feast, cause every cloth to be marked with a letter of E. crowned, wrought in the cloth, upon pain of forfeiture for every cloth so being sold, and not marked with the said letter of E. by any such chothier xx. s. the one half of which forfeiture to be to our sovereign lord the King, his heirs or successors; and the other half to him that will sue for the same in manner and form before rehearsed.

### CAP. III.

*An act concerning the improvement of commons and waste grounds.*

Every person  
bringing an  
assise upon any  
branch of  
either of the  
statutes touch-  
ing improve-  
ment of  
wastes, &c.  
shall have  
treble dama-  
ges.  
so H. 3. c. 4.

**W**HERE in the parliament holden at Merton in the xx. year of the reign of King Henry the Third, it is contained, That for because many great men of England which had enfeofed knights, and other their free tenants of small tenements in their great manors, did complain that they might not make their profits of the residue of their manors, as of waste woods and pastures, where the same feoffees had sufficient pasture, as much as belonged unto their tenements, (2) it was provided and granted, That whatsoever persons so enfeofed brought assise of novel Disseisin of their common of pasture, and before the justices it were recognized that they had as much pasture as did suffice unto their tenements, (3) and that they had free ingress and egress into and from their tenements unto their pasture, that then they should therewith be contented, and that they upon whom they had complained should depart quiet, with that that they might make their profit of their lands, wastes, woods and pastures; (4) and if it were said that they had not sufficient pasture, or sufficient ingress and egress, as much as doth belong unto their tenements as is abovesaid, that then the truth thereof should be inquired into by assise; (5) and if it were recognized by the assise that their ingress and egress were in any thing letted by the same desorciators, or that they had not sufficient pasture, and sufficient ingress and egress as is abovesaid, that then they should recover their Seisin by view of the jurors, so that by the discretion and oath of them, the complainants should have sufficient pasture, and sufficient ingress and egress in form aforesaid; and that the disseisors should be in amerciament of the King, and should yield damages as they were wont to do before the same provision: (6) and if it were recognized by the assize, that the complainants had sufficient pasture, with free ingress and egress as is abovementioned, That then the other might lawfully do their profit of the residue, and should go quit from the same assise, as in the said statute more plainly appeareth:

By the stat.  
13 Ed. 1. stat.  
1. c. 46.

II. And where also in the parliament holden at Westminster after Easter the xiiij. year of the reign of King Edward the First, it

was ordained, That where in the statute made at Merton, it was agreed that lords of wastes, woods and pastures, might approve themselves of their wastes, woods and pastures notwithstanding the gainsaying and contradiction of their tenants, whiles the same tenants had sufficient pasture to their tenements, with free ingress and egress into and from the same; (2) and for that no mention was made between neighbour and neighbour, many lords of wastes, woods and pastures, unto that time were let by contradiction or gainsaying of neighbours, having sufficient pasture; (3) and forasmuch as foreign tenants have no greater right of commoning in the wood, waste or pasture of any lord, than the proper tenants of the same lord; (4) it was from thenceforth ordained, That the said statute provided at Merton between the lord and his tenants should have place from thenceforth between the lords of wastes, woods and pasture, and neighbours; saving sufficient pasture to their men and neighbours; so that the lords of the same wastes, woods and pastures, may approve themselves of the residue; (5) and that the same should be observed of them that claim pasture as pertaining to their tenements: (6) but if any man claim common of pasture by special feoffment or grant, to a certain number of beasts, or otherwise than of common right he ought to have it, where covenant doth abrogate the law, he shall have such recovery as he ought to have by form of the grant to him made: (7) and that by occasion of a windmill, sheephouse, dairy, augmentation or increase of any court necessary, or curtilage, from thenceforth no man should be grieved by assise of Novel Disseisin of common of pasture. (8) and forasmuch as it hath sometimes, that some man having right to approve to himself, bath made or levied a ditch or hedge, and other by night or such other time when they believe their deed should not be known, do or will cast down the same ditch or hedge, and that it cannot be known by verdict of assise or jury, who did cast down the same ditch or hedge, nor the men of the next towns will indict them that be guilty of the same deeds; then the next townships adjoining about the same shall be distrained, to levy or make up the same ditch or hedge at their proper costs, and to yield damages; as in the said estatute among other things more plainly appeareth.

Lords of manors may approve against their neighbours.

For what causes any may approve common.

A ditch or hedge of ground approved, cast down by persons unknown.

III. And forasmuch as the aforesaid estatutes been thought beneficial for the common wealth of this realm of England; be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all and every the said statutes, and all branches, clauses, articles, sentences, matters and points contained and specified in them, and every of them, now not repealed, shall from henceforth be good and effectual, and also to stand and be in their full strength, force and effect.

A confirmation of the aforesaid stat. of 20 H. 3. c. 4. & 13 Ed. 1. stat. 1. c. 46.

IV. And because that such persons as shall bring assise of Treble damages in an assise upon the said statutes. Novel Disseisin upon the said estatutes or upon any of them, shall by force of the same estatutes recover but only single damages, which is thought to be a small recompence for the same: (2) therefore be it enacted by the authority aforesaid, That all such person and persons as shall at any time hereafter bring assise

upon any branch or article of the said statutes or any of them, and have judgment to recover, shall have his or their damages trebled by the judgment of the court where such assise and judgment shall be had.

Houses built  
upon wastes  
with three  
acres of  
ground.  
31 El. c. 7.

V. And where in divers countries of this realm there hath been builded upon commons or waste grounds, certain necessary houses with ground under the quantity of three acres, and not above three acres enclosed to and with the same; and in some place there is enclosed a garden, orchard or pond, out of or in such wastes or grounds which exceed not the quantity of two acres, or thereabouts, which doth no hurt, and yet is much commodity to the owner thereof and to others; (2) be it therefore enacted by the authority aforesaid, That the said two former acts, nor any of them, nor any thing in them or any of them contained, shall extend to any such house, ground or other thing so enclosed as is last herein before mentioned, ne shall cause any person or persons to lose or forfeit any pain, damage or penalty for the same.

The overplus  
above three  
acres shall be  
laid open.

VI. Provided always, and be it enacted, That if any such house hath been heretofore builded upon any such waste ground as is aforesaid, and that there be above the number of three acres enclosed to the same, that then the said house, and three acres parcel of the same enclosure, shall still remain, stand, abide and continue in like and the same form and degree as it now doth; and that the overplus of the said three acres so enclosed as is aforesaid, shall and may be laid open by the owner or owners of the same wastes; any thing in this act, or in any of the said former acts to the contrary in any wise notwithstanding.

#### C A P. IV.

*An act concerning grants and gifts made by patentees out of letters patents.*

Explained by  
13 El. c. 6.  
Grants made  
by patentees  
out of patents  
shall be good.

WHERE the right noble and famous King of full worthy memory, King Henry the Eighth, father to our most dread and now natural sovereign liege lord, since the fourth day of February in the xxvij. year of his late reign, and also the King's most excellent majesty, by their several letters patents, have given, granted, bargained, sold and exchanged, to and with divers and sundry the subjects of this realm, bodies politick and corporate, in fee-simple, fee-tail, for term of life or years, divers honours, castles, manors, lands, tenements and other hereditaments and offices; (2) after and since which grants, bargains, sales and exchanges, divers of the said patentees, their heirs, successors or assigns, have bargained, sold, given, exchanged or demised divers particular parts, parcels or portions of the said honours, castles, manors, lands, tenements, hereditaments and offices, or other things thereunto appertaining or belonging, to other person or persons, bodies politick and corporate; that is to say, to some of them in fee-simple, to some others in fee-tail, for term of life or years, or otherwise; (3) and after the same patentees, for considerations them moving, have surrendered and given up their said letters patents into the chancery, or otherwise the same letters patents have been forfeited by attainder, lost,

lost, cancelled, imbeſed, or by other ways or means have come to the hands of the King's majeſty his late father; (4) and thereupon oftentimes the enrollment of the same hath been made void and frustrate, sometime in part, and sometime in the whole, (5) by reason whereof such persons, bodies politick or corporate, as have had interest or title in or to the same castles, manors or particular portions or parcels of the same so to them given and granted, have been in time past, and in time to come are like to be, disherited, or in danger of loss of their interest in or to the same, to their no little hindrance and peril.

II. For remedy whereof be it ordained, established and enacted by the authority of this present parliament, That all and every person or persons, bodies politick or corporate, which lawfully shall or may claim by force of any patent or patents made ſithence the ſaid fourth day of February, or hereafter to be made by the King's majeſty, his heirs or ſucceſſors, Kings of this realm, or by any of them; (2) and all other that now have or hereafter ſhall happen to have any good or lawful eſtate, right, title, rent, profit, interest or poſſeſſion, of, in, to (3) or out of any honours, manors, lands, tenements hereditaments or offices, or of other things to any of the premisses appertaining or belonging, or to any part, parcel or member of them or any of them, by, from or under any ſuch patentee or patentees, or any of them, or by, from or under their heirs, ſucceſſors or assigns of them or of any of them, (4) or by, from or under the eſtate of any others which had, have or hereafter ſhall have the eſtate, title or interest of any ſuch patentee or patentees, or by any other means under the date of ſuch letters patents, (5) ſhall and may at all times hereafter, in any the King's courts, his heirs or ſucceſſors, and elſewhere, by virtue of this preſent act, make and convey unto himſelf title by way of declaration, plaint, avowry, title, bar or otherwiſe, as well againſt the King's highneſs, his heirs and ſucceſſors and every of them, as againſt any other perſon or perſons, unto the ſaid honours, caſtles, manors, lands, tenements, offices and other the premisses or any part or parcel of the ſame, unto them or any their predeceſſors or anceſtors, or others whoſe eſtate they have in the ſame, by, from or under the ſaid patentees or any of them, or the heirs, anceſtors or assigns of any of them, or otherwiſe under the date of the ſaid letters patents, comprized and contained in any exemplification or conſtat thereof made or to be made, by the ſhewing forth of the ſaid exemplification or conſtat of the roll, or of ſo much thereof as ſhall ſerve for the matter in variance, under the great ſeal of England: (6) and the ſame exemplification or conſtat of the ſaid enrollment ſo as is aforeſaid pleaded and ſhewed, ſhall be of like and the ſame force and effect, to all intents and conſtructions in the law, as the ſaid firſt letters patents were and ſhould be of, if the ſame were or ſhould be pleaded or ſhewed.

3 Leon. 165.  
An exemplification of the King's letters patents under the great ſeal ſhall be of as good force as if the ſame letters patents were ſhewed.  
5 Co. 53.  
Dyer 167, 179.  
Br. ſurrender  
51. Co. Lit.  
225. b.

## CAP. V.

It shall be high treason for twelve persons or above, being assembled together, to attempt to kill or imprison any of the King's council, or to alter any laws, and to continue together by the space of an hour, being commanded by a justice of peace, mayor, sheriff, &c. to return. And it shall be felony for twelve persons or above, to practise to destroy any park, pond, conduit or dovehouse, or to have common or way in any ground, or to pull down any houses, barns or mills, or to burn any stack of corn, or to abate the rents of any lands, or the prices of any victual, and to continue together an hour, being commanded by a justice of peace, sheriffs, bailiffs, &c. by proclamation to return. Exp. 7 Ed. 6. c. 11. and Rep. 1 M. Jeff: 2. c. 12.

## CAP. VI.

All artificers using the cutting of leather, may buy and sell all tanned leather, so that they convert the same into made wares, notwithstanding the statute of 2 & 3 Ed. 6. c. 9. To endure to the end of the next parliament.

## CAP. VII.

*An act of repeal of a statute made in the xxv. year of King Henry the Eighth, touching the taking of wild fowl at certain times in the year :*

Part of the statute concerning taking of wild fowl with nets and other engines repealed.

25 H. 8. c. 11.

**W**HEREAS in the xxv. year of the reign of your Majesty's father, of most famous memory, King Henry the Eighth, an act was made containing two branches, whereof the one was against the taking of wild fowl between the last day of May and the last day of August, with any nets or engines, upon a pain limited thereupon, as in the said statute more largely doth appear : (1) forasmuch as the occasion of the said branch appeareth fithen to have risen but upon a private case, and that no manner of common commodity is fithen perceived to be grown of the same, being notably by daily experience found and known, that there is at this present less plenty of fowl brought into the markets than was before the making of the said act, which is taken to come of the punishment of God, whose benefit was thereby taken away from the poor people that were wont to live by their skill in taking of the said fowl, whereby they were wont at that time to sustain themselves, with their poor households, to the great saving of other kinds of victual, of which aid they are now destitute, to their great and extreme impoverishing : (2) humbly beseeching your Grace, your majesty's true and faithful subjects, especially such as have their places of habitation nigh unto the fens, That all that branch of the said act made in the said xxv. year of your Grace's said father of most noble memory, touching the taking of wild fowl in manner as abovesaid, may be from henceforth by your Majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, repealed and utterly void and of none effect,

effect, with all and every article, sentence, matter, pains and forfeitures contained, or otherwise mentioned in the said branch, as if the same act had never been had ne made.

II. Provided, and be it enacted by the authority aforesaid, That one other branch contained in the said act concerning such persons as shall presume by day or night willingly to withdraw, purloin, take, destroy or convey any manner of eggs of any kind of wild fowl, from or in any nest, place or places, where they shall chance to be layed by any kind of wild fowl, with every article, sentence, matter, pains, forfeitures and provisions contained or mentioned in this said last branch, shall stand in full strength and effect, to all purposes, intents and constructions, as if this present act had never been had nor made.

### C A P. VIII.

*An act for the continuance of the statute of sewers.*

**W**HERE in the parliament holden at Westminster by prorogation, the xv. day of January in the xxiiij. year of the most victorious reign of our late sovereign lord King Henry the Eighth, among other things, one general act concerning commissions of sewers, to be directed into all parts within this realm, was enacted and made to continue and endure for twenty years then next following, as by the same act more at large it doth and may appear: (2) and forasmuch as the same act is thought good and beneficial for the commonwealth of this realm, be it therefore enacted and ordained by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act, and all clauses, articles and provisions in the same contained, shall continue and endure in their force and strength, and to be observed and kept for ever, in such manner and form as shall and may stand with the sequel and additions hereafter mentioned.

II. And be it further enacted and established by the authority aforesaid, That all scots, lots and sums of money hereafter to be rated and taxed by virtue of such commission of sewers, upon any of the lands, tenements or hereditaments of our sovereign lord the King, his heirs or successors, for any manner of thing or things concerning the articles of the said commission of sewers, shall be gathered and levied by distress or otherwise, in like manner and form as shall or may be done in the lands, tenements and hereditaments of any other person or persons: (2) and that all bills of acquittance, signed with the hand or hands of such collector or receiver as shall have the collection thereof by the appointment of the said commissioners, or six of them, shall be as well a sufficient discharge to the tenants, fermors and occupiers of the same grounds so to be charged for the said sum wherewith their grounds shall be so charged, as also sufficient warrant to all and every the receivers, auditors and other whatsoever officer or officers of our said sovereign lord the King, his heirs and successors, for the allowance to such tenant, fermor or occupier for the same: (3) adding moreover to

The statute of sewers shall be continued.  
23 H. 8. c. 5.

All sums of money rated by force of the commission of sewers upon any of the King's lands, shall be leviable by distress.

What fees shall be paid for the commission of sewers, sued out under the seal of the duchy.

How long the commission of sewers shall endure.

The commissions to continue for ten years.

13 El. c. 9.

this act, by the authority of this present parliament, That such and like fees, and none other nor more, shall be at any time paid or demanded for any commission or commissions, or writs of *Dedimus potestatem*, hereafter to be sued out or obtained under the seal of the duchy, but only such and like fees as been mentioned in the said former act, to be paid in the chancery for commissions and writs of *Dedimus potestatem*, to be obtained from the same court of chancery: (4) adding moreover thereunto by the authority aforesaid, That every commission and commissions hereafter to be awarded for sewers, shall continue and endure for term of five years next after the teste of such commission, unless the same commission and commissions shall be otherwise discharged within the said time by *Superfedeas*; any thing or things mentioned or contained in the said former act contrary to the additions before mentioned, or any of them, in any wise notwithstanding.

#### CAP. IX.

No person shall buy any raw hides or calves skins, to sell again untanned, upon pain to forfeit for every skin vj. s. viij. d. Rep. 5 El. c. 8. & 1 Jac. 1. c. 22.

#### CAP. X.

*An act for the abolishing and putting away of divers books and images.*

Certain books and images shall be abolished.

2 & 3 Ed. 6.

c. 1.

3 Jac. 1. c. 5.

**WHERE** the King's most excellent majesty hath of late set forth and established by authority of parliament, an uniform, quiet and godly order for common and open prayer, in a book, intituled, The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, after the Church of England, to be used and observed in the said church of England, agreeable to the order of the primitive church, much more comfortable unto his loving subjects than other diversity of service, as heretofore of long time hath been used, being in the said book ordained, nothing to be read but the very pure word of God, or which is evidently grounded upon the same; (2) and in the other, things corrupt, untrue, vain and superstitious, and as it were a preparation to superstition; which for that they be not called in, but permitted to remain undefated, do not only give occasion to such perverse persons as do impugn the order and godly meaning of the King's said book of common prayer, to continue in their old accustomed superstitious service, but also minister great occasion to diversity of opinions, rites, ceremonies and services: (3) be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in the present parliament assembled, That all books called *Antiphoners*, *Missals*, *Grailes*, *Processionals*, *Manuals*, *Legends*, *Pies*, *Portuasses*, *Primers* in Latin or English, *Couchers*, *Journals*, *Ordinals* or other books or writings whatsoever heretofore used for service of the church, written or printed in the English or Latin tongue, other than such as are or shall be set forth by the King's majesty, shall be by authority of this present act clearly and utterly abolished, extinguished

extinguished and forbidden for ever to be used or kept in this realm, or elsewhere within any the King's dominions.

II. And be it further enacted by the authority aforesaid, That if any person or persons, of what estate, degree or condition soever he, she or they be, body politick or corporate, that now have or hereafter shall have in his, her or their custody, any the books or writings of the sorts aforesaid, or any images of stone, timber, alabaſter or earth, graven, carved or painted, which heretofore have been taken out of any church or chapel, or yet stand in any church or chapel, and do not before the last day of *June* next ensuing deface and destroy, or cause to be defaced and destroyed, the same images and every of them, and deliver or cause to be delivered all and every the same books to the mayor, bailiff, constable or church-wardens of the town where such books then shall be, to be by them delivered over openly within three months next following after the said delivery, to the archbishop, bishop, chancellor or commissary of the same diocese, to the intent the said archbishop, bishop, chancellor or commissary, and every of them, cause them immediately either to be openly burnt or otherwise defaced and destroyed; shall for every such book or books willingly retained in his, her or their hands or custody within this realm, or elsewhere within any the King's dominions, and not delivered as is aforesaid, after the said last day of *June*, and be thereof lawfully convicted, forfeit and lose to the King our sovereign lord, for the first offence xx. s. and for the second offence shall forfeit and lose (being thereof lawfully convicted) iv. li. and for the third offence shall suffer imprisonment at the King's will.

Images taken out of, or yet remaining in churches, shall be destroyed.

Popish books shall be first delivered to the mayor, &c. and then by him to the bishop, &c. to be burnt or otherwise defaced.

III. And be it further enacted by the authority aforesaid, That if any mayors, bailiffs, constables or churchwardens, do not within three months after receipt of the same books, deliver or cause to be delivered such books so by them received, to the archbishop, bishop, chancellor or commissary of their diocese; and if the said archbishops, bishops, chancellors or commissaries, do not within forty days after the receipt of such books, burn, deface and destroy, or cause to be burned, defaced or destroyed, the same books and every of them; (3) that then they and every of them so offending, shall lose and forfeit to our sovereign lord the King, being thereof lawfully convicted, xl. li. (4) The one half of all such forfeitures shall be to any of the King's subjects that will sue for the same in any of the King's courts of record, by bill, plaint, action of debt or information: in which action no essoin, protection, wager of law or other delay shall be allowed.

The penalty of mayor, &c. or bishop, &c. omitting their duty herein.

IV. And for better execution of the same act, be it enacted by the authority aforesaid, That as well justices of assize in their circuits, as justices of peace within the limits of their commission in the general sessions, shall have full power and authority to enquire of the offences aforesaid, and to hear and determine the same, in such form as they may do in other such like cases,

Justices of assize and peace shall hear and determine these offences.

Primers set  
out by H. 8.  
being purged  
may be still  
retained.

Images upon  
tombs shall  
remain.

Anno tertio & quarto EDW. VI. C. 11, 12.

[1549.

V. Provided also, and be it enacted by the authority aforesaid, That any person or persons may use, keep, have and retain any *primers* in the *English* or *Latin* tongue, set forth by the late King of famous memory, King *Henry* the Eighth, so that the sentences of invocation or prayer to saints in the same *primers* be blotted or clearly put out of the same; any thing in this act to the contrary notwithstanding.

VI. Provided always, That this act, or any thing therein contained, shall not extend to any image or picture set or graven upon any tomb in any church, chapel or church-yard, only for a monument of any King, prince, nobleman or other dead person, which hath not been commonly reputed and taken for a saint, but that such pictures and images may stand and continue in like manner and form as if this act had never been had nor made; any thing in this act to the contrary in any wise notwithstanding. *Repealed by 1 Mar. st. 2. c. 2. which act is repealed by 1 Jac. 1. c. 25. f. 48.*

### CAP. XI.

*An act that the King's majesty may nominate and appoint two and thirty persons to peruse and make ecclesiastical laws.*

**A**LBEIT the King's most excellent majesty, governor and ruler under God of this realm, ought most justly to have the government of his subjects, and the determination of their causes, as well ecclesiastical as temporal, yet the same as concerning ecclesiastical causes, having not of long time been put in ure nor exercised, by reason of the usurped authority of the bishop of Rome, be not perfectly understood nor known of his subjects, and therefore of necessity, as well for the abolishing and putting to utter oblivion the said usurped authority, as for the necessary administration of justice to his loving subjects; it may please his Highness, that it may be enacted by his most gracious assent, with the assent of the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That the King's, &c.

The King during three years shall have authority, by the advice of his council, to name thirty-two persons to examine the ecclesiastical laws, and to gather and compile such laws as shall be thought to him, his council and them, convenient to be practised within this realm in all spiritual courts; so that any law to be set forth be not contrary to any common law or statute of this realm. Exp. 25 H. 8. c. 19. 27 H. 8. c. 15. 35 H. 8. c. 16.

### CAP. XII.

Bishops.

Such form and manner of making and consecrating of archbishops, bishops, priests, deacons and other ministers of the church, as by six prelates, and six other men of this realm learned in God's law, by the King to be appointed and assigned, or by the most number of them, shall be devised for that purpose, and set forth under the great seal before the first of April next coming, shall be lawfully exercised and used, and none other. Exp. Rep. by 1 Ma. Jess. 2. c. 2. which act is repealed by 1 Jac. 1. c. 25. f. 48.

CAP.

## CAP. XIII.

Sir *William Sherrington* before attainted of treason, pardoned of all treasons and offences, and restored in blood and freedom.

## CAP. XIV.

*Mary Seymor*, the sole daughter and heir of *Thomas* lord *Seymor*, attainted of high treason, restored in blood, but not to her father's lands.

## CAP. XV.

The penalty for publishing any false prophecy upon occasion of arms, fields, &c. to the intent to make dissention, &c. shall be for the first offence, one year's imprisonment, and the forfeiture of x. l. and for the second offence, the forfeiture of all his goods, and imprisonment during his life. Exp. 7 Ed. 6. c. 11. 33 H. 8. c. 14. 5 El. c. 15. Prophecies.

## CAP. XVI.

An act touching the punishment of vagabonds and other idle persons.

A repeal of so much of the stat. 1 Ed. 6. c. 3. as tendeth to make vagabonds slaves. The stat. of 22 H. 8. c. 12. shall be revived, that doth appoint how impotent and aged persons shall be relieved, and vagabonds punished: and all other statutes made for the punishment of vagabonds, slaves, aged and impotent persons, shall be repealed. Common labourers in husbandry which do loiter and be idle, when they have reasonable wages offered them, shall be punished as vagabonds. Maimed, sore, aged and impotent persons, shall be relieved and cured, and habitations provided for them by the devotion of good people of that city, town or village, where they were born, or have dwelt three years. A beggar's child above five years of age may be taken into service by any that will. Rep. 14 El. c. 5. & 21. Jac. 1. c. 28. 2 & 3 P. & M. c. 5.

## CAP. XVII.

The stat. of 31 H. 8. c. 12. touching the wrongful hunting or entry into any forest, chase or park of the King's, or into any other ground of his, used for the nourishing of deer; and of 32 H. 8. c. 11. concerning the unlawful killing of any deer within any park, chase, &c. revived for three years. Felony.

## CAP. XVIII.

A rehearſal of the stat. of 2 & 3 Ed. 6. c. 5. concerning the re- mitting of fee-farms by the King for the first of three years, and that the same shall cease for other two years. Exp. Fee-farm.

## CAP. XIX.

*An act for buying and selling of rother beasts and cattle.*

**B**E it enacted by the authority of this present parliament, That no person or persons at any time from and after the feast of the Annunciation of our Lady next coming, shall buy or commune and conclude to buy any manner of oxen, steers, ronts, kine, heifers or calves, but only in the open fair or market where the same shall happen to be brought and put to sale; (2) and shall not sell the same again alive at and in the market or fair where he bought the same, during the time of the said fair

No cattle shall be bought but in open fair or market, but by a butcher, or for provision of household, &c. Cro. El. 309. Latch 192.

fair or market; (3) upon pain of forfeiture of the double value of such cattle bought or sold contrary to the tenor of this present act.

For what purposes cattle may be bought out of a fair or market.

II. Provided alway, and be it further enacted by the authority aforesaid, That it shall be lawful for all and every person and persons to buy any oxen, steers, ronts, kine, heifers and calves, or any of them, out of any open fair or market, for his or their provision for their household, team or dairy, at his or their will or pleasure, to be employed and spent only in keeping and maintenance of his or their house, or for their team or dairy, and not otherwise.

A butcher shall not buy cattle and sell them alive.

III. And be it further enacted by the authority aforesaid, That no person being a butcher, and using the craft or mystery of butchery, shall at any time after the said feast buy any fat oxen, steers, ronts, kine, heifers, calves or sheep, and sell or cause to be sold the same again alive, upon pain of forfeiture of every such ox, steer, ront, cow, heifer, calf or sheep bargained or sold contrary to the form of this present act.

IV. Provided alway, That all and every person and persons being a butcher, and using the art and mystery of butchery, shall and may at his and their will and pleasure buy any fat oxen, steers, ronts, kine, heifers, calves and sheep, or any of them, out of any open fair or market: so that such butcher sell not, nor cause to be sold, the same again alive, as is aforesaid; any thing contained in this act to the contrary notwithstanding: (2) the one moiety of all which forfeitures shall be to our sovereign lord the King, his heirs and successors, and the other moiety to him or them that will sue for the same in any of the King's courts of record, wherein no wager of law, essoin or protection shall be allowed for the defendant or defendants. (3) This act to endure to the end of the next parliament. *Continued in part by 3 Car. 1. c. 4. and farther continued by 16 Car. 1. c. 4. and altered by 15 Car. 2. c. 8.*

#### CAP. XX.

*An act touching the repeal of a certain branch of an act passed in the last session of this parliament concerning victuallers and artificers.*

2 & 3 Ed. 6.  
c. 15.

**W**HERE by a certain act in the parliament holden at Westminster by prorogation the fourth day of November in the second year of the reign of our most dread sovereign lord the King that now is, it is enacted and established, That no person or persons should at any time after the first day of April then next ensuing, interrupt, deny, let or disturb any free mason, rough mason, carpenter, bricklayer, plaisterer, joiner, hard-bewer, sawyer, tiler, pavier, glasier, lime-burner, brick-maker, tile-maker, plumber or labourer, born in this realm, or made denizen, to work in any of the said crafts in any city, borough or town corporate, with any person and persons that will retain him or them, albeit the said person or persons so retained, or any of them, do not inhabit or dwell in the city, borough or town corporate where he or they shall work, nor be free of the same city, borough or town;

town; any statute, law, ordinance or other thing whatsoever, before had or made to the contrary in any wise notwithstanding: (2) and that upon pain of forfeiture of s. li. for every interruption or disturbance done contrary to the said estate; the one moiety of every such forfeiture to be to the King, and the other moiety thereof to be to him or them that will sue for the same in any of the King's courts of record, by bill plaint, action of debt or information, wherein no wager of law, essoin nor protection should be allowed, as by the said act of parliament amongst other things more plainly appeareth:

II. And forasmuch as in the city of London, being the King's chamber, and most ancient city of this realm, the artificers and craftsmen of the arts, crafts and mysteries aforesaid, are at great costs and charges, as well in bearing and paying of taxes, tallages, subsidies, scot, lot and other charges, as well to the King's majesty, as to the said city, and at many and sundry triumphs, and other times for the King's honour, and that if foreigners should come and work among them, within the liberties of the said city, contrary to their ancient privileges, that the same should be a great decay of cunning, and an impoverishment and driving away of the free-men, being artificers of the crafts, arts and mysteries aforesaid, within the said city of London, to the great hurt or destruction of the said city:

III. For reformation whereof the King's majesty is pleased and contented that it be enacted by the authority of this present parliament, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, That the said act, only touching the article and clause aforesaid, and all and every sentence and branch contained in the said act concerning the same article, shall from henceforth be resumed, repealed, adnulled, revoked, annihilated and utterly made void for ever; any thing contained in the said former act touching the clause or article aforesaid in any wise to the contrary notwithstanding.

So much of the stat. of 2 & 3. Ed. 6. c. 15. f. 4. repealed, as concerneth the denial of artificers to work in a town where they dwell not.

### C A P. XXI.

*An act for the buying and selling of butter and cheese.*

**B**E it enacted by the authority of this present parliament, That no person or persons after the feast of the Annunciation of our Lady next coming, shall buy to sell again any butter or cheese, unless he or they sell the same again by retail in open shop, fair or market, and not in gross; (2) upon pain of forfeiture of the double value of the same butter and cheese so sold contrary to the tenor of this present act: the one moiety of all which forfeiture to be to our sovereign lord the King, his heirs and successors, and the other moiety to him or them that will sue for the same in any of the King's courts of record, wherein no wager of law, essoin or protection shall be allowed for the defendant or defendants.

Butter or cheese shall not be bought to be sold again, except it be by retail in open shop, fair or market. Lane 19, 59.

II. Provided alway, That this act or any thing therein contained shall not extend to any innholder or victualler for such and victuals butter or cheese as shall be spent or uttered by retail in any of their houses; any thing contained in this act to the contrary not-

12 Car. 2. c. 4. notwithstanding. (2) This act to endure to the next parliament.

Retailing.  
London, &c.  
provided for  
by 21 Jac. 1.  
c. 22. f. 6.

III. Provided always, and be it enacted by the authority aforesaid, That the said word of retail mentioned in this act shall be expounded, declared and taken, only where a waye of cheese or a barrel of butter, or of less quantity and not above, shall be sold at any one time to any person or persons in open shop, fair or market, and that to be done without fraud or covin. *Continued by 3 Car. 1. c. 4. until the end of the first session of the next parliament; and farther continued by 16 Car. 1. c. 4.*

## CAP. XXII.

Labourers.

No cloth-maker, fuller, sheerman, weaver, taylor or shoemaker, shall retain in any of the said crafts a journeyman to work by tail-work, or by great, for any time under one quarter of a year; and every journeyman, being required, shall serve for a quarter of a year, half a year, or for a whole year. Every person of any of the said crafts which shall have three apprentices, shall have one journeyman. Servants in husbandry and bargemen shall serve by the whole year, and not by day-wages. REP. 5 Eliz. c. 4.

## CAP. XXIII.

Taxes.

A relief granted to the King out of sheep and cloths by the statute 2 & 3 Ed. 6. c. 36. released, and the relief for goods continued. A subsidy granted to the King of twelve-pence in the pound of goods, and of every alien two shillings in the pound. EXP.

## CAP. XXIV.

Pardon.

An act of the King's majesty's most free and general pardon. A confirmation by parliament of the King's pardon of all heresies, treasons, rebellions, murders, felonies, offences, trespasses, &c. saving such which in the said pardon be excepted. EXP.

*Anno quinto & sexto Edwardi sexti.*

Skin. 110.

• Other editions have the three and twentieth.

**A**CTS made in the session of this present parliament, bolden upon prorogation at Westminster the \* thirtieth day of January in the fifth year of the reign of our most dread sovereign lord, Edward the Sixth, by the grace of God, King of England, France, and Ireland, defender of the faith, and of the church of England, and of Ireland, in earth the supreme head; and there continued and kept till the fifteenth of April in the sixth year of the reign of our said sovereign lord, as followeth.

CAP.

## C A P. I.

*An act for the uniformity of service and administration of sacraments throughout the realm.*

**W**HERE there hath been a very godly order set forth by the authority of parliament, for common prayer and administration of the sacraments to be used in the mother tongue within the church of England, agreeable to the word of God, and the primitive church, very comfortable to all good people, desiring to live in christian conversation, and most profitable to the estate of this realm, upon the which the mercy, favour and blessing of Almighty God is in no wise so readily and plentifully poured as by common prayers, due using of the sacraments, and often preaching of the gospel, with the devotion of the bearers: (2) and yet this notwithstanding, a great number of people in divers parts of this realm, following their own sensuality, and living either without knowledge or due fear of God, do wilfully and damnably before Almighty God abstain and refuse to come to their parish churches and other places where common prayer, administration of the sacraments, and preaching of the word of God, is used upon Sundays, and other days ordained to be holydays.

Uniformity of prayer and administration of sacraments shall be used in the church.

II. For reformation hereof, be it enacted by the King our sovereign lord, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That from and after the feast of *All Saints* next coming all and every person and persons inhabiting within this realm, or any other the King's majesty's dominions, shall diligently and faithfully (having no lawful or reasonable excuse to be absent) endeavour themselves to resort to their parish church or chapel accustomed; (2) or upon reasonable lett thereof, to some usual place where common prayer and such service of God shall be used in such time of lett, (3) upon every *Sunday*, and other days ordained and used to be kept as holydays, (4) and then and there to abide orderly and soberly during the time of the common prayer, preachings or other service of God there to be used and ministered; (5) upon pain of punishment by the censures of the church.

March 95.

Every person shall resort to his parish church or chapel upon sundays and holydays.

III. And for the due execution hereof, the King's most excellent Majesty, the lords temporal, and all the commons, in this present parliament assembled, doth in God's name earnestly require and charge all the archbishops, bishops and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledges, that the due and true execution thereof may be had throughout their diocesses and charges, as they will answer before God for such evils and plagues wherewith Almighty God may justly punish his people for neglecting this good and wholesome law.

IV. And for their authority in this behalf, be it further likewise enacted by the authority aforesaid, That all and singular the same archbishops, bishops and all other their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, within

They which come not to church may be punished by the censures of the church.

within their diocesses, shall have full power and authority by this act to reform, correct and punish by censures of the church, all and singular persons which shall offend within any their jurisdictions or diocesses, after the said feast of *All Saints* next coming, against this act and statute; any other law, statute, privilege, liberty or provision heretofore made, had or suffered to the contrary notwithstanding.

V. And because there hath arisen in the use and exercise of the aforesaid common service in the church, heretofore set forth, divers doubts for the fashion and manner of the ministracion of the same, rather by the curiosity of the minister and mistakers, than of any other worthy cause; (2) therefore as well for the more plain and manifest explanation hereof, as for the more perfection of the said order of common service, in some places where it is necessary to make the same prayers and fashion of service more earnest and fit to stir christian people to the true honouring of Almighty God; (3) the King's most excellent Majesty, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, hath caused the aforesaid order of common service, entitled, *The book of common prayer*, to be faithfully and godly perused, explained and made fully perfect, and by the aforesaid authority hath annexed and joined it, so explained and perfected, to this present statute: (4) adding also a form and manner of making and consecrating of archbishops, bishops, priests and deacons, to be of like force, authority and value as the same like foresaid book, entitled, *The book of common prayer*, was before, and to be accepted, received, used and esteemed in like sort and manner, and with the same clauses of provisions and exceptions, to all intents, constructions and purposes, as by the act of parliament made in the second year of the King's majesty's reign was ordained, limited, expressed and appointed for the uniformity of service and administration of the sacraments throughout the realm, upon such several pains as in the said act of parliament is expressed. (5) And the said former act to stand in full force and strength, to all intents and constructions, and to be applied, practised and put in ure, to and for the establishing of the book of common prayer, now explained and hereunto annexed, and also the said form of making of archbishops, bishops, priests and deacons hereunto annexed, as it was for the former book.

VI. And by the authority foresaid it is now further enacted, That if any manner of person or persons inhabiting and being within this realm, or any other the King's majesty's dominions, shall after the said feast of *All Saints* willingly and wittingly hear and be present at any other manner or form of common prayer, of administration of the sacraments, of making of ministers in the churches, or of any other rites contained in the book annexed to this act, than is mentioned and set forth in the said book, or that is contrary to the form of sundry provisions and exceptions contained in the foresaid former statute, and shall be thereof convicted according to the laws of this realm, before the justices

The book of common prayer, with the form of consecrating bishops, priests, deacons.

1 Ed. 6. c. 2.

2 & 3 Ed. 6. c. 1.

The penalties for being present at any other common prayer or sacraments.

Altered as to the penalty by 1 El. c. 2. f. 7, 8.

justices

justices of assise, justices of *oyer and determiner*, justices of peace in their sessions, or any of them, by the verdict of twelve men or by his or their own confession or otherwise, shall for the first offence suffer imprisonment for six months, without bail or main-prize; (2) and for the second offence, being likewise convicted as is abovesaid, imprisonment for one whole year; and for the third offence in like manner, imprisonment during his or their lives. (3) And for the more knowledge to be given hereof, and better observation of this law, be it enacted by the authority aforesaid, That all and singular curates shall upon one *Sunday* every quarter of the year during one whole year next following the foresaid feast of *All Saints* next coming, read this present act in the church at the time of the most assembly, and likewise once in every year following; at the same time declaring unto the people by the authority of the scripture, how the mercy and goodness of God hath in all ages been shewed to his people in their necessities and extremities, by means of hearty and faithful prayers made to Almighty God, especially where people be gathered together with one faith and mind, to offer up their hearts by prayer, as the best sacrifices that christian men can yield. (*This act is repealed by 1 Ma. Sess. 2. c. 2. which is repealed by 1 El. c. 2. & 1 Jac. 1. c. 28. f. 48. And this act is now made perpetual by 5 Ann. c. 5. as to the establishment of the church.*)

## CAP. II.

The statute of 22 H. 8. c. 12. and 3 & 4 Ed. 6. c. 16. touching vagabonds and idle persons, confirmed. The poor of every parish shall be relieved with that which every parishioner of his charitable devotion will give. *Rep. 14 Eliz. c. 5.*

## CAP. III.

*An act for the keeping holy-days and fasting-days.*

**F**ORASMUCH as at all times men be not so mindful to laud and Which days praise God, so ready to resort and hear God's holy word, and to only in the come to the holy communion and other laudable rites, which are to be ob-year shall be served in every christian congregation, as their bounden duty doth re-holy-days, and quire: (2) therefore to call men to remembrance of their duty, and to fasting-days: help their infirmity, it hath been wholesomely provided, that there should This act is not be some certain times and days appointed, wherein the christian should on the roll. cease from all other kind of labours, and should apply themselves only and wholly unto the aforesaid holy works, properly pertaining unto true religion; that is, to hear, to learn and to remember Almighty God's great benefits, his manifold mercies, his inestimable gracious goodness, so plentifully poured upon all his creatures, and that of his infinite and unspeakable goodness, without any man's desert; and in remembrance hereof, to render unto him most high and hearty thanks, with prayers and supplications for the relief of all our daily necessities: (3) and because these be the chief and principal works wherein man is commanded to worship God, and do properly pertain unto the first table; therefore as these works are most commonly, and also may well be called God's service, so the times appointed specially for the same, are called holy-

Wherefore  
some days are  
more called  
holy-days  
than other.

*holy-days; not for the matter and nature either of the time or day, nor for any of the saints sake, whose memories are had on those days, (for so all days and times considered are God's creatures, and all of like holiness) but for the nature and condition of those godly and holy works, wherewith only God is to be honoured, and the congregation to be edified, whereunto such times and days are sanctified and hallowed; this is to say, separated from all profane uses, and dedicated and appointed, not unto any saint or creature, but only unto God and his true worship: (4) neither is it to be thought that there is any certain time or definite number of days prescribed in holy scripture, but that the appointment both of the time and also of the number of the days, is left by the authority of God's word to the liberty of Christ's church, to be determined and assigned orderly in every country, by the discretion of the rulers and ministers thereof, as they shall judge most expedient to the true setting forth of God's glory, and the edification of their people: (5) be it*

All these days  
shall be kept  
holy-days, and  
none other.

therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all the days hereafter mentioned shall be kept and commanded to be kept holy-days, and none other; that is to say, all *Sundays* in the year, the days of the feast of the *Circumcision* of our Lord Jesus Christ, of the *Epiphany*, of the *Purification* of the Blessed Virgin, of Saint *Matthew* the apostle, of the *Annunciation* of the Blessed Virgin, of Saint *Mark* the evangelist, of Saint *Philip* and *Jacob* the apostles, of the *Ascension* of our Lord Jesus Christ, of the *Nativity* of Saint *John Baptist*, of Saint *Peter* the apostle, of Saint *James* the apostle, of Saint *Bartholomew* the apostle, of Saint *Matthew* the apostle, of Saint *Michael* the archangel, of Saint *Luke* the evangelist, of Saint *Simon* and *Jude* the apostles, of *All Saints*, of Saint *Andrew* the apostle, of Saint *Thomas* the apostle, of the *Nativity* of our Lord, of Saint *Stephen* the martyr, of Saint *John* the evangelist, of the holy *Innocents*, *Monday* and *Tuesday* in *Easter-week*, and *Monday* and *Tuesday* in *Whitsan-week*; and that none other day shall be kept and commanded to be kept holy-day, or to abstain from lawful bodily labour.

Which days  
shall be com-  
manded and  
kept fasting-  
days.

II. And it is also enacted by the authority aforesaid, That every even or day next going before any of the aforesaid days of the feasts of the *nativity* of our Lord, of *Easter*; of the *Ascension* of our Lord, *Pentecost*, and the *Purification*, and the *Annunciation* of the aforesaid Blessed Virgin, of *All Saints*, and of all the said feasts of the apostles, (other than of Saint *John* the evangelist, and *Philip* and *Jacob*) shall be fasted, and commanded to be kept and observed, and that none other even or day shall be commanded to be fasted.

Punishment of  
offenders by  
the ecclesiasti-  
cal law.

III. And it is enacted by the authority aforesaid, That it shall be lawful to all archbishops and bishops in their diocesses, and to all other having ecclesiastical or spiritual jurisdiction, to enquire of every person that shall offend in the premisses, and to punish every such offender by the censures of the church, and

to

for 7 King: 105

to enjoin him or them such penance as shall be to the spiritual judge by his direction thought meet and convenient.

IV. Provided always, That this act, or any thing therein contained, shall not extend to abrogate or take away the abstinence from flesh in *Lent*, or on *Fridays* and *Saturdays*, or any other day which is already appointed so to be kept, by virtue of an act made and provided in the third year of the reign of our sovereign lord the King's majesty that now is, saving only of those evens or days whereof the holy-day next following is abrogated by this statute; any thing above mentioned to the contrary in any wise notwithstanding.

V. Provided also, and be it enacted by the authority aforesaid, That when and so often as it shall chance any of the said feasts (the evens whereof be by this statute commanded to be observed and kept fasting day) to fall upon the *Monday*; That then, as it hath always been heretofore accustomedly used, so hereafter the *Saturday* then next going before any such feast or holy-day and not the *Sunday*, shall be commanded to be fasted for the even of any such feast or holy-day; any thing in this statute before mentioned or declared to the contrary in any wise notwithstanding.

VI. Provided always, and it is enacted by the authority aforesaid, That it shall be lawful to every husbandman, labourer, fisherman, and to all and every other person or persons, of what estate, degree or condition he or they be, upon the holy-days aforesaid, in harvest, or at any other time in the year when necessity shall require, to labour, ride, fish, or work any kind of work, at their free wills and pleasure; any thing in this act to the contrary in any wise notwithstanding.

VII. Provided always, and be it enacted by the authority aforesaid, That it shall be lawful to the knights of the right honourable order of the garter, and to every of them, to keep and celebrate solemnly the feast of their order, commonly called St. *George's* feast, yearly from henceforth the xxij, xxij, and xxiv. days of *April*, and at such other time and times, as yearly shall be thought convenient by the King's highness, his heirs and successors, and the said knights of the said honourable order, or any of them, now being, or hereafter to be; any thing in this act heretofore mentioned to the contrary notwithstanding. Repealed by 1 Ma. Sess. 2. c. 2. which is repealed by 1 Jac. 1. c. 25. f. 48.

#### CAP. IV.

*Against quarrelling and fighting in churches and church-yards.*

FORASMUCH as of late divers and many outrageous and barbarous behaviours and acts have been used and committed by divers singly and irreligious persons, by quarrelling, brawling, fraying and fighting openly in churches and church-yards: (2) therefore it is enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any

person whatsoever, shall at any time after the first day of *May* next coming, by words only, quarrel, chide or brawl in any church or church-yard, that then it shall be lawful unto the ordinary of the place where the same offence shall be done, and proved by two lawful witnesses, to suspend every person so offending; that is to say, if he be a layman, *ab ingressu Ecclesie*, and if he be a clerk, from the ministracion of his office, for so long time as the said ordinary shall by his discretion think meet and convenient, according to the fault.

The penalty  
for smiting in  
a church, &c.

II. And further it is enacted by the authority aforesaid, That if any person or persons after the said first day of *May* shall smite or lay violent hands upon any other, either in any church or church-yard, that then *ipso facto* every person so offending shall be deemed excommunicate, and be excluded from the fellowship and company of Christ's congregation.

The penalty  
for drawing or  
smiting with a  
weapon in the  
church, &c.  
2 Leon. 188.  
Cro. Jac. 462.  
1 Roll. 90.  
Cro. Car. 464.

III. And also it is enacted by the authority aforesaid, That if any person after the said first day of *May* shall maliciously strike any person with any weapon in any church or church-yard, or after the same first day of *May* shall draw any weapon in any church or church-yard, to the intent to strike another with the same weapon, That then every person so offending, and thereof being convicted by verdict of xij. men, or by his own confession, or by two lawful witnesses, before the justices of assize, justices of Oyer and Determiner, or justices of peace in their sessions, by force of this act, shall be adjudged by the same justices before whom such person shall be convicted, to have one of his ears cut off. (2) And if the person or persons so offending have none ears, whereby they should receive such punishment as is before declared, that then he or they to be marked and burned in the cheek with an hot iron, having the letter F. therein, whereby he or they may be known and taken for fray-makers and fighters; (3) and besides that, every such person to be and stand *ipso facto* excommunicated, as is aforesaid.

#### CAP. V.

Husbandry.

So much land shall be put in tillage, and so continued, as was at any time in tillage (and so kept four years) sithence *Anno 1 H. 8.* upon pain the offender to forfeit five shillings an acre: but this act shall not extend to any land converted, or to be converted, into pasture for the maintenance of the house of any person, nor to land that hath commonly lien pasture forty years last past, nor to waste grounds, heaths, common downs, fens, moors or marshes, that have not been commonly tilled forty years last past, nor to any warren for conies, or park for deer, nor to any ground stubbed, nor to any salt or surrounded marshes, nor to any ground inclosed by the King's licence, nor to any orchard, garden, pool or pond-yard, nor to any meadow-ground yearly mowen for hay, nor to any land set with saffron or hops, or sown with hemp, flax, woad or madder, or sown with acorns, or set with wood, during such times as the same shall be used to the intents before

fore specified: neither shall this act extend to any that hath, or within one year shall convert so much pasture into tillage within the same parish, town, village or hamlet. To endure ten years, and from thence to the end of the next parliament. REP. 5 El. c. 2. 39 El. c. 1. and 21 Jac. 1. c. 28.

## CAP. VI.

An act for the true making of woollen cloth.

**W**HERE heretofore divers and many goodly statutes have been made for the true making of cloth within this realm, which nevertheless forasmuch as clothiers, some for lack of knowledge and experience, and some of extreme covetousness, do daily more and more study rather to make many than to make good clothes, (2) having more respect to their private commodity and gain, than the advancement of truth, and continuance of the commodity in estimation, according to the worthiness thereof, (3) have and do daily, instead of truth, practise falsehood, and instead of substantial making of cloth, do practise sleight and slender making, some by mingling of yarns of divers spinings in one cloth, (4) some by mingling fell-wool and lambs-wool, or either of them, with fleeca-wool, (5) some by putting too little stuff, (6) some by taking them out of the mill before they be full thicked, (7) some by over-stretching them upon the tenter, and then stopping with flocks such bracks as shall be made by means thereof; (8) finally, by using so many subtle sleights and untruths, as when the clothes so made be put in the water to try them, they rise out of the same neither in length nor breadth as they ought to do, and in some place narrower than some, (9) beside such cockeling, bandoning, and divers other great and notable faults, as almost cannot be thought to be true;

II. And yet nevertheless, neither fearing the laws in that case provided, nor regarding the estimation of their country, do not only procure the cunnager to set the King's seal to such false, untrue and faulty cloth, but do themselves weave into the same the likeness and similitude of the King's highness most noble and imperial crown, and also the first letter of his name, which should be testimonies of truth, and not a defence of untruth, to the great slander of the King our sovereign lord, and the shame of this land, and to the utter destruction of so great and notable commodity, as the like is not in any foreign nation:

III. Our said sovereign lord the King therefore minding to advance all truth, and to abandon falsehood, and also to provide for the continuance of the said commodity of cloth-making, to his honour and the common profit of the realm, hath, by the advice of the lords and commons in this present parliament assembled, caused as well divers honest clothiers, as also divers drovers, merchant-tailors, cloth-workers, sheermen and other artificers to whom it appertaineth, to be examined by certain wise, discreet and sage knights and burgesses of this present parliament, of such matters as touch as well the false as the true making of clothes, by whose declaration, consent, agreement and advice, after divers and sundry meetings, and great deliberate advice taken in the premises, (2) by authority of this present parliament, it is enacted as hereafter followeth, to remain firm and perfect, notwithstanding any suggestions hereafter to be made by any clothier

This act repealed as to over lengths of clothes, by 43 El. c. 10. f. 9. The true length, breadth and weight of woollen clothes. Several abuses practised in making of cloth.

The counsel of several sage, discreet, and men of experience, and of the same trades, used in the making of this statute.

thier or clothmaker to the contrary, as they have in like cases heretofore done; that is to say, That every cloth, kersie, piece of frize and cotton, shall be made in such sort and form, and shall contain in length, breadth and weight, as is herein hereafter particularly mentioned, upon such pains, penalties and forfeitures as be hereafter expressed and appointed.

The weight and length of broad-cloth made in certain places. Altered as to the weight by 4 & 5 Ph. & M. c. 5. and explained by 4 Jac. 1. c. 2. f. 25.

IV. First, That all and every broad cloth and clothes which shall be made after the said feast of St. *Michael* the archangel next coming, within the shires of *Kent* and *Sussex*, or at the town of *Redding*, or any of them, or elsewhere of like making as the clothes made there shall be of, shall contain in length at the water, every piece being through wet, betwixt eight and twenty and thirty yards of measure that now is customably used, and in breadth seven quarters at the least, within the lists, by the whole length of the same cloth, the lists of the same clothes to be of like making and assise as they have here beforetime been used to be made, and that every piece of the said clothes being well scowred, thicked, milled and fully dried, shall be in weight and weigh fourscore and ten pound at the least.

Long Worcester. Altered as to the weight by 4 & 5 Ph. & M. c. 5. and as to the length and breadth by 4 Jac. 1. c. 2. f. 2.

V. And that all and every white cloth and clothes which shall be made within the city of *Worcester*, commonly called long *Worcesters*, and all like clothes of like making, made within the city of *Coventry* or elsewhere, after the said feast, shall contain in length, being wet as is aforesaid, betwixt nine and twenty and one and thirty yards the piece, and to every yard one inch of the standard, and shall be of the breadth above specified throughout and by all the length of the whole cloth, and listed as hath been accustomed, and being well scowred, thicked, milled and fully dried, shall weigh fourscore and four pound the piece at the least.

Coloured clothes.

VI. And that all coloured clothes made in the said cities of *Coventry* and *Worcester*, or elsewhere of like making, after the said feast, shall contain and be of like length and breadth as is last before mentioned, and be listed as is aforesaid, and being well scowred, thicked and fully dried, shall weigh fourscore pound the piece at the least.

White clothes called short Worcester.

VII. And that all and every white cloth and clothes, commonly called short *Worcesters*, which shall be made within the said city or county, or elsewhere of the same sort, after the said feast, shall contain in length being wet, betwixt three and twenty and five and twenty yards, yard and inch of the rule, and shall be of the breadth as is aforesaid, throughout and by all the whole cloth; and listed according to the ancient custom, and being well scowred, thicked and fully dried, shall weigh threescore pound the piece at the least.

Coloured long clothes. Altered as to the breadth by 4 & 5 Ph. & M. c. 5. and as to the

VIII. And that all coloured long clothes, which after the said feast shall be made within the shires of *Suffolk*, *Norfolk* or *Essex*, or any of them, or elsewhere of like sort, shall contain in length, wet as is aforesaid, betwixt eight and twenty and thirty yards, yard and inch of the rule, and shall be in breadth seven quarters of the yard within the lists at the least, throughout and

by

by all the whole cloth, and listd as hath been accustomed, and weight by 48 being well scowred, thicked, milled and fully dried, shall weigh El. c. 10. f. 5. fourscore pound the piece at the least.

IX. And that all and every short cloth and clothes coloured, Coloured short clothes. which after the said feast shall be made within the said shires last remembred, or any of them, or elsewhere of like sort, shall contain wet as is aforesaid betwixt three and twenty and five and twenty yards, yard and inch of the rule, and shall be in breadth as is last remembred, throughout and by the whole cloth, and listd as is aforesaid, and being fully scowred, thicked, milled and fully dried, shall weigh three score and four pound the piece at the least.

X. And that all and every coloured cloth and clothes, which Coloured clothes called handy-warps. after the said feast shall be made within the said shires last remembred, or elsewhere of like sorts, commonly called handy-warps, of what length they shall happen to be, shall be in breadth out of the water, throughout and by all the whole cloth, as is last remembred, and listd as they have been accustomed, and being well scowred, thicked, milled and fully dried, every yard of every such cloth shall weigh three pound at the least. (2) And that all whites which after the said feast shall be made in the said shires or elsewhere, as *Cockfal* whites, *Glainsfords*, and Whites being handy-warps. other being handy-warps, of what lengths soever they shall be, shall contain in breadth as is afore remembred, and be listd as is aforesaid, and being well scowred, thicked, milled and fully dried, shall weigh by the yard three pound at the least, of such measure as hath been before used.

XI. And that all whites and reds, which after the said feast Whites and reds. shall be made in the shires or counties of *Wiltshire*, *Gloucester* and *Somerfet*, or any of them, or elsewhere of like making, and all other whites which shall be made in any other parts of this realm, and not afore remembred, shall contain in length, being through wet, betwixt six and twenty and eight and twenty yards, and shall be seven quarters of the yard in breadth within the lists at the least, and listd according to the ancient custom, and being well scowred, thicked, milled and fully dried, shall weigh every piece three score and four pound, being white, and three score pound being coloured at the least. (2) And that all broad plunkets, azures, blues and other coloured cloth, which Broad plunkets, azures, blues and other coloured clothes. after the said feast shall be made within the said shires of *Wiltshire*, *Gloucester* or *Somerfet*, or elsewhere of like making, shall contain, being wet as is aforesaid, betwixt five and twenty and seven and twenty yards, yard and inch of the rule, and shall be seven quarters of a yard within the lists at the least, and listd according to the ancient custom, and being well scowred, thicked, milled and fully dried, shall weigh four score and eight pound the piece at the least. 43 El. c. 10. Altered as to the weight of Wiltshire clothes, &c. by 4 & 5 Ph. & M. c. 5. and as to the breadth by 27 El. c. 17. and 35 El. c. 9.

XII. And that all kerfies called ordinaries, shall contain in length betwixt seventeen and eighteen yards, yard and inch. as is aforesaid, and being well scowred, thicked, milled, dressed and fully dried, shall weigh xxx li. at the least. (2) And all Ordinary kerfies. 3 Jac. 1. c. 16. Sorting kerfies.

Altered as to the length and weight of ordinaries; and as to the weight of sorting kerries by 4 & 5 Ph. & M. c. 5. Devonshire kerries further provided for. 4 & 5 Ph. & M. c. 5. f. 10. and 35 El. c. 10. Broad clothes called Taunton, Bridgewater, &c. narrow clothes by 44 El. c. 10. f. 5. the weight is to be only thirty pounds, &c.

Check-kerrie, straits.

Welch clothes. Bepealed touching the length and weight 4 & 5 Ph. & M. c. 5. 21 Jac. I. c. 28. f. 5.

Welch frizes.

Northern cloth.

Kerries called sorting kerries, which after the said feast shall be made in any part of this the King's majesty's realm of England, shall contain in length at the water betwixt seventeen and eighteen yards, yard and inch as is aforesaid; and being well scowred, thicked, milled, dressed and fully dried, ready to be shewed, shall weigh xxij. li. the piece at least.

XIII. And that all *Devonshire* kerries called dozens, which shall be made after the said feast, shall contain in length at the water between twelve and thirteen yards, yard and inch of the rule; and being well scowred, thicked, milled and fully dried, shall weigh xiv. li. the piece at the least.

XIV. And that all and every broad cloth and clothes called *Taunton* clothes, *Bridgwaters* and other clothes, which shall be made after the said feast in *Taunton*, *Bridgewater* or in other places of like sort, shall contain at the water in length betwixt twelve and thirteen yards, yard and inch of the rule, and in breadth seven quarters of a yard: (2) and every narrow cloth made after the said feast in the said towns, or elsewhere of like sorts, shall contain in the water in length betwixt three and twenty and five and twenty yards, yard and inch as is aforesaid, and in breadth one yard of like measure; (3) and every such cloth, both broad and narrow, being well scowred, thicked, milled and fully dried, shall weigh xxxiv. li. the piece at the least.

XV. And that all clothes named check-kerrie and straits, which shall be made after the said feast, shall contain being wet between seventeen and eighteen yards, with the inches as is aforesaid, and in breadth one yard at the least at the water; and being well scowred, thicked, milled and fully dried, shall weigh xxiv. li. the piece at the least.

XVI. And that all and every *Welch* cotton and cottons, which after the said feast shall be made and wrought ready to be sold for a whole piece, shall not be stretched on the tenter nor otherwise above a nail of a yard in breadth, and shall be in length two and thirty gads in the water at the most, and in breadth three quarters of a yard at the water at the least, and being so fully wrought, every whole piece thereof shall weigh xlvj. li. at the least; and every half piece of *Welch* cotton being fully wrought as is aforesaid, shall contain in length, weight and breadth after the same rate.

XVII. And that all *Welch* frizes, which after the feast aforesaid shall be made and wrought within the shires of *Cardigan*, *Cacmarthen* and *Pembroke*, or any of them, or elsewhere of like making, ready to be sold for a whole piece, shall contain in length at the water, six and thirty yards at the most, yard and inch of the rule, and in breadth three quarters of a yard; and being so fully wrought shall weigh every whole piece xlvij. l. at the least; and every half piece of *Welch* frizes being fully wrought as aforesaid, shall contain in length, breadth and weight after the same rate.

XVIII. And that all and every *Northern* clothes which after the said feast shall be made, shall contain between three and twenty

twenty and five and twenty yards in length, yard and inch of the rule, and in breadth being through wet, seven quarters of a yard within the lists at the least; and being well scowred, thicked, milled and fully dried, shall weigh lxvi. li. the piece at the least.

XIX. And every half piece called dozens, made after the said feast, shall contain in length between twelve and thirteen yards of measure aforesaid, and seven quarters of a yard in breadth as afore, within the lists; and being well scowred, thicked, milled and fully dried, shall weigh xxxij. li. at the least.

Dozens.

XX. And that all clothes commonly called penistones or forest whites, which shall be made after the feast aforesaid, shall contain in length being wet, betwixt twelve and thirteen yards, yard and inch as is aforesaid, and in breadth six quarters and a half quarter, out of the water, at the least; and being well scowred, thicked, milled and fully dried, shall weigh xxvij. l. the piece at the least.

Penistones or forest whites.

XXI. And that all and every cottons called *Manchester*, *Lancashire* and *Cheeshire* cottons, which shall be made after the said feast, full wrought to the sale, shall be in length two and twenty goods, and contain in breadth three quarters of a yard in the water, and shall weigh xxx. li. the piece at the least.

Manchester cottons.

This and the next section altered by 4 & 5 Ph. & M. c. 5. f. 13. Manchester ruga.

XXII. And that all clothes called *Manchester* rugs, otherwise named *Manchester* frizes, which shall be made after the said feast, and fully wrought to sale, shall contain in length six and thirty yards, and in breadth three quarters of a yard, coming out of the water, and shall not be stretched on the tenter or otherwise above a nail of a yard in breadth; and being so fully wrought and well dried shall weigh every piece xlvij. li. at the least.

XXIII. And be it further enacted, That all and every person and persons which after the said feast of St. Michael the archangel next coming, shall make or cause to be made any of the several kinds of broad clothes above rehearsed, of any shorter or longer measure than is above specified and appointed for every country or several kinds of clothes to be made, or make any such cloth or clothes of less breadth or weight, being well scowred, thicked, milled and fully dried, than as is aforesaid specified and appointed for every several country or kinds of clothes, and shall put the same to sale, shall forfeit and lose for every such default of every cloth sold or offered to be sold, in length or breadth, xl. s. (2) And for every pound weight which any cloth so made and sold, or offered to be sold, shall lack, exceeding not above four pound in weight, shall also forfeit ij. s. for every pound, the same forfeiture to go to the finder thereof: (3) and that if any such cloth lack above four pound weight of the several weights above mentioned, That every owner thereof shall then forfeit xl. s. for every such cloth so lacking weight as is aforesaid.

Forfeiture of the offenders in broad clothes, &c.

XXIV. Provided always, That if any broad-cloth shall exceed the several length before appointed for every country, or kind of making, by means of the fineness, or the good, perfect and stuffy making of the same cloth, that then the maker

Cloth exceeding the length by the goodness.

thereof shall not incur any loss or penalty for the over length of any such fine cloth; any thing herein to the contrary in any wise notwithstanding.

Forfeitures for narrow clothes, kerseys, dozens.

XXV. And be it further enacted, That all and every person and persons, which after the said feast shall make or cause to be made any of the several kinds of kerseys, narrow clothes, streights, dozens, frizes or cottons above mentioned, which shall not be made in such manner and form as is abovesaid, nor contain and have in length, breadth and weight, severally appointed and limited as is above specified, shall lose and forfeit for every piece of cloth called streight or dozen, and for every piece of narrow cloth, kersey, frize or cotton, so to be made and sold or offered to be sold, xx. s.

No flocks, hair or yarn of lambs wool shall be put in any cloth.

Repeated in part by 27 El. c. 18. f. 3.

43 El. c. 10.  
7 Ed. 6. c. 9.  
Repeated by 4 & 5 Ph. & M. c. 5. f. 16.

XXVI. And be it further enacted, That from and after the said feast no person or persons shall put any hair, flocks, or any yarn made of lambs wool, into any cloth, kersey, frize or cotton, so made and sold or offered to be sold, upon pain to forfeit every such cloth, kersey, frize and cotton, wherein any such yarn, hair or flocks shall be put, or the value of such cloth, kerseys or frize.

XXVII. And be it further enacted, That if at any time after the said feast any cloth through the default or negligence of the carders, spinners or weavers, or any of them, shall or do prove either purise, bandy, squally by warp or woof, or else shall happen to be evil buried or wasted in the mill, or else through the default or negligence of the mill-man, or otherwise, to be full of holes, mill-bracks, or to be holely, that then the seal of the aulneger shall not be fixed or set to any such cloth; any law, statute or usage to the contrary in any wise notwithstanding, but the accustomed fees and allowances of the aulneger shall nevertheless be paid, upon pain of forfeiture of such whole cloth or the value thereof.

The aulneger's fee shall be paid before the cloth be sold.

XXVIII. And be it further enacted, That if any clothier or cloth-maker do after the said feast put any cloth or kersey to sale, before he shall have paid to the aulneger or his deputy the accustomed fee, or agree for the same, as he, she or they have been accustomed, shall lose and forfeit for every default, xx. s.

No cloth shall be transported before the aulneger's and owner's seal be set to it.

XXIX. And be it further enacted, That no person or persons, *English*, denizen, alien or stranger, shall after the said feast carry or transport or cause to be carried or transported into any of the parts beyond the sea, any cloth, kersey, frize or cotton, of the several sorts above recited, unless the King's seal or aulneger's seal of this realm, and the seal of the owner or maker of the cloth, (declaring therein the length of the cloth as it shall be in the water) be set upon every such cloth, upon pain to forfeit every such cloth lacking the same seals or any of them, or the value thereof.

Every retailer shall try his cloth, and present that which is faulty.

XXX. And be it further enacted by the authority aforesaid, That no draper, merchant-taylor, cloth-worker or other person, which shall retail any of the clothes or kerseys, frizes, rugs or cottons of the several makings aforesaid, shall after the said feast put to sale any of the cloths afore mentioned, whereunto the aulneger shall have set to the King's seal and the owner his seal, till

till such time as he or they have made trial, as well by the water as by the weight and measure, whether they and every of them shall be made according to the purport and true meaning of this act or no.

XXXI. And if any person or persons shall find any defective or faulty cloth in length, weight or measure, made contrary to the order aforesaid, That then he or they shall present every such cloth, to every mayor, bailiff or other head officer or head officers of every city, borough or town corporate, or to two justices of peace next adjoining out of a city, borough or town corporate, where such cloth shall be found faulty as is aforesaid, to the intent the same cloth may be cut into three equal parts and pieces; (2) the one piece thereof to be forfeited to our sovereign lord the King, another piece to be to the presenter thereof, and the third part residue to such person or persons as it then shall be presented to; (3) upon pain that every such person as shall not so search every of the clothes, kerfies, cottons or frizes, aforesaid, so by him to be bought and sold, and shall not seise and present such cloth or clothes as he or they shall find defective as is aforesaid, shall forfeit and lose the double value of every such cloth.

XXXII. And be it further enacted, That every clothier or other person whatsoever, which so shall sell any such faulty kerfise, cotton or frize, whereunto the aulneger and the owner shall have set to their seals, and shall be so seized as is aforesaid, shall within fourteen days next after request made by writing, message or otherwise, by such person which shall so buy such cloth, make payment of such sums of money as he received for the same, or shall otherwise satisfy, discharge and acquit him for so much money as he shall or should have received for the same; (2) upon pain of forfeiture to the party or grieved for every non-payment or not acquittal, as is aforesaid, the double value of the money so received, or to be received, the same to be recovered by bill, plaint, action of debt, or otherwise, in any of the King's majesty's courts of record, wherein no essoin, protection, or wager of law shall be admitted or allowed.

XXXIII. And for the further avoiding of much untruth practised by stretching of clothes, be it enacted, That no person or persons shall after the said feast strain or stretch, or cause to be strained or stretched, any cloth above one yard in length, and one half quarter in breadth, upon pain to forfeit for every such default five pounds.

XXXIV. And be it further enacted, That no person which shall after the said feast keep, have, use or occupy any tenter, shall have use or occupy any wrinch, rope or ring with the same tenter, or shall use any other engine, unlawfully to strain or stretch any cloth or clothes, upon pain that every offender that shall use or occupy any tenter, or other engine to the contrary, shall forfeit twenty pounds.

XXXV. And be it also enacted by like authority, That if any merchant shall by any means transport or carry over into the parts beyond the sea, any cloth, kerfise, frize or cotton, which shall

The clothier shall repay his money to the buyer of faulty cloth.

Stretching of clothes.

The penalty for using a tenter with a wrinch, rope or ring.

Transporting defective cloth.  
Repealed as to shall

the returning  
defective  
cloths, &c. by  
4 & 5 Ph. &  
M. c. 5. s. 18.

shall be found defective or faulty, either in length, breadth or weight, or else shall have any of the faults aforesaid, that then the merchant, or other person which shall so transport the same, shall return again, the same cloth so found defective, into *England*, at the costs and charges of the clothier or clothmaker that sold the same cloth; (2) the same costs and things to be recovered against such clothmaker or clothier, by action of debt, bill, plaint, or information in any of the King's courts; any promise or bargain to the contrary notwithstanding: (3) upon pain that every merchant, or other person which shall not so return such faulty or defective cloth (if through misfortune by tempests, pirates or enemies he be not letted) shall forfeit and lose the value of the cloth so shipped and transported, and not returned as is aforesaid; the one moiety thereof to the King, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information; in which action no essoin, protection or wager of law shall be admitted for the defendant.

XXXVI. And to the intent that it may be perfectly known which clothes are perfectly dressed, dyed and pressed with the cold press, without fraud, covin and deceit, as well within the city of *London* as elsewhere, and have sufficient workmanship:

Two searchers  
shall be ap-  
pointed in  
every city, bo-  
rough, &c. of  
cloth, and  
their autho-  
rity.  
2 & 3 Ph. &  
M. c. 12.

XXXVII. Be it further enacted, That as well the mayor of the city of *London*, and aldermen, or the most part of them for the time being, as all and every other mayor, bailiff, and other head officer or officers of every city, borough or town corporate within this realm, shall have full power and authority by virtue of this act, to nominate, depute and appoint, from time to time as occasion shall serve, and shall so from time to time nominate, depute and appoint two or more honest, discreet and expert persons, which shall from time to time upon their oaths view and search all and every cloth and clothes that shall be dressed, dyed or pressed with the cold press, within every such city, borough town corporate or port town; (2) and view and search whether the same cloth and clothes be well and sufficiently dressed, and pressed with the cold press, without putting thereto flocks, follace, chalk, flour, or any other deceitful thing; (3) and also whether the same shall be well and substantially dyed with good and perfect colours, without any deceivable thing, or whether it shall be stretched or strained any more than is above specified; (4) and shall have full power and authority by virtue of this act to enter into all and every person's house or houses, where they shall think meet, to search and to seise all and every such cloth or clothes as they shall find defective in the premises, as forfeited, in whose hands soever they shall be found: The moiety of which forfeiture shall be to the use of our sovereign lord the King, and the other moiety to the use of the mayor and commonalty of the city of *London*, or to the use of every city, borough, town corporate, port-town or market-town where the same shall be seized.

A remedy for  
the loss where  
the cloth is  
faulty.

XXXVIII. And be it further enacted, That every person or persons in whose hands and possession such defective or faulty cloth, either by evil or deceivable dying, dressing or pressing, as is  
afore-

aforesaid, shall be found and seized, as is aforesaid, shall have his; her, or their remedy by action of debt, bill, plaint, information or otherwise, in any of the King's majesty's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed for the defendant, against all and every such person or persons, by whose defaults or negligence such cloth shall so be found faulty, (2) and shall thereby recover all such costs, losses and damages as he shall sustain by occasion thereof.

XXXIX. And be it further enacted by the same authority, That as well the said mayor of the city of London, as every other mayor, bailiff, portreeve, or other head officer of every city, borough, town corporate, or port-town, shall on this side the said feast cause to be prepared a seal of lead, wherein as well the arms as the name of every such city, borough, town corporate, or port-town, shall be graven, which the same searchers shall cause to be fixed to every cloth that they shall find after the said feast well and sufficiently dressed, dyed, and pressed with the gold press, without any of the deceits aforesaid, (2) and shall have for their pains and travels therein to be taken by the owner thereof for the sealing of every cloth, ij. d.

A seal of lead  
for a town  
corporate.

XL. And be it further enacted, That if any searcher or searchers so to be appointed, do after the said feast find any of the clothes, being coloured or dyed, so made after the said feast, either cockely, purfy, bandy, squally or rowy, or evil burl'd, or wasted in the mill, or full of holes or bracks, That then the same searcher or searchers shall, besides the seal of the city, borough or town corporate, where the same cloth shall be found, put another seal of lead at every end of the said cloth, wherein shall be graven the letter F. and shall also set a mark in the list, right against such place where any of the faults aforesaid shall be, with the print of a letter or mark of an inch compass at the least, whereby every buyer may well know what and where the fault is.

The seal of  
faulty cloth.

XLI. And be it further enacted, That if any of the searchers aforesaid shall set the seal of any city, borough, town corporate or port-town, to any coloured cloth, which shall not be sufficiently dressed, dyed, pressed and wrought as is aforesaid, That then the mayor and commonalty, or bailiffs or commonalty, or other corporation of the township, by whatsoever name or names they shall be incorporated, where such cloth shall so be sealed, shall forfeit and lose the whole value of the cloth so sealed.

Forfeiture  
where the seal  
is set to cloth  
not sufficiently  
dressed.

XLII. And be it further enacted by the authority aforesaid, That if any of the searchers aforesaid, after the said feast, do set the seal of the city, borough or town corporate, within the limits of their search, to any cloth which shall be cockely, purfy, bandy, squally, rowy, evil burl'd, wasted in the mill, or full of holes, as is aforesaid, and not set at every end of the said clothes, one seal with the letter F. as is aforesaid, and also declare by the lists as is aforesaid, what and where the faults of the clothes be; That then the mayor and commonalty, or other the corporation, of every such borough, city, or town corporate, where such searchers

Forfeiture  
where the seal  
is set to faulty  
cloth.

searchers shall be appointed, shall forfeit and lose for every such omission, or not setting to of any such seal as is aforesaid, five pound.

Cloth retailed which is unsealed.

XLIII. And be it further enacted, That no person or persons, whatsoever they be, which commonly use to retail cloth or kerseie, shall put to sale in gros, or by retail, to any manner of person, any manner of cloth which shall be made after the said feast, being dressed, dyed and pressed, as is aforesaid, except there be fixed thereunto at every end of the same cloth, the seal of such city, borough or town corporate, where the same cloth shall be so dyed, dressed and pressed, or the several seal of every such city, borough or town corporate, where it shall be dyed, dressed, or pressed to remain at the last end of every of the said cloth which shall be sold, during and by all the time that any piece or remnant of such cloth is to be sold, upon pain of forfeiture of the whole value of such whole cloth.

The forfeiture of the chief officers of a city, borough, &c. for not appointing searchers.

XLIV. And be it further enacted, That every mayor, bailiff, or other head officer, of any city, borough or town corporate, in which any such cloth or clothes after the said feast shall be made, dyed, dressed, or pressed with the cold press, as is aforesaid, which doth not or shall not after the said feast of St. Michael, nominate and appoint from time to time so many searchers as shall be requisite, to view and search clothes upon their oaths, as is aforesaid, shall lose and forfeit for every default, ten pound.

The penalty for refusing to be a searcher.

XLV. And be it further enacted, That if any of the said searchers so to be appointed by the mayor, being a freeman of the said city, or by the mayor, bailiff or other head officer of any city, borough or town corporate, as is aforesaid, having no reasonable excuse, do refuse to take upon him to be a searcher, and do not use the office of a searcher as is aforesaid, shall forfeit and lose for every such refusal, and not executing of his office so to him appointed, five pound; the one half thereof to be to the King our sovereign lord, and the other half to the use of the commonalty of every city, borough or town corporate where he shall be so assigned, and to remain in ward till such time as he hath made payment of the said forfeiture, or otherwise put in sufficient bonds for the satisfaction of the same.

No coloured cloth shall be put to sale but these here named.  
Repealed by 27 Jac. I., c. 26. s. 22.

XLVI. *And forasmuch as there be now in this time many false and deceivable colours made in divers places of this realm, whereby many of the King's loving subjects are deceived:* be it enacted, That from and after the said feast of St. Michael the archangel next coming, no person or persons shall put to sale by retail within this realm, any cloth or clothes which shall be made after the said feast, of any other colour or colours than is hereafter expressed; that is to say, scarlet, red, crimson, murry, violet, puke, brown-blue, blacks, greens, yellows, blues, orange-tauny, russet, marble-gray, sad new colour, azure, watchet, sheeps-colour, lion-colour, motly or iron-gray; (2) upon pain that every person offending to the contrary shall lose and forfeit the value of the cloth sold by retail, which shall be of any other colour.

Pressing of cloth.

XLVII. And be it further enacted, That no person or persons

sons, after the said feast of St. *Michael* the archangel shall press any kind of cloth with the hot press, or in any other kind of deceivable manner, but only with the cold press, as is above specified, upon pain of forfeiture of the whole cloth so pressed contrary to the meaning of this statute, or the value thereof.

XLVIII. And be it further enacted, That if any person or persons but such as are appointed, assigned and permitted by this act, do at any time after the said feast counterfeit, set to or take away from, any of the clothes, kerseys, frizes, rugs or cottons aforesaid, any of the seals so to be fixed as is above recited; that then every person so offending shall for the first offence (being thereof duly convicted by verdict of xii. men, by two sufficient witnesses, or by confession of the party) forfeit and lose x. li. and for the second offence (being likewise thereof convicted) shall sit on the pillory, and lose and forfeit to our sovereign lord the King all such his goods and chattels (his debts being duly and truly paid without fraud or covin) as he had or shall have at the time of his conviction.

Counterfeiting, setting to, or taking away seals.

XLIX. And be it further enacted, That if between the first day of *May* next coming and the feast of St. *Michael* the archangel then next coming, any person or persons which now doth use the art or mystery of draping or cloth-making, shall give over draping or cloth-making, except he be licenced so to do by three justices of peace at the least, of the city, county, borough or town corporate where he dwelleth, upon some reasonable cause shewed unto the said justices, shall never after take upon him to make or cause to be made any kind of cloth or kersey to sell the same again, upon pain of forfeiture of every such cloth or kersey that he shall so sell.

A clothier shall not give over the making of cloth without licence.

L. And be it further enacted, That all and every article, clause or sentence in any act of parliament heretofore made, concerning making, dying, dressing, pressing, searching or sealing of any of the kinds of clothes, broad or narrow, white or coloured, kerseys, frizes, rugs or cottons, heretofore in this act mentioned, and being repugnant or contrariant to any article or sentence in this statute, shall from the feast of St. *Michael* the archangel next be utterly void and of none effect. (2) And to the intent that all such clothes as shall be made within this realm, or any other the King's dominions, after the said feast, shall be the better known from the other clothes made before the same time:

A repeal of all contrary statutes touching the making, dying and dressing, &c. of cloth.

LI. Be it therefore enacted by the authority aforesaid, That from and after the said feast the letter *E*. crowned shall not be wrought into the cloth for and by the space of two years then next ensuing, upon pain of forfeiture of xx. s. for every cloth or kersey wherein the said letter *E* shall be so wrought; (2) the moiety of all which forfeitures and of all other forfeitures before expressed, and not otherwise appointed by this present act, shall be to the King our sovereign lord, and the other moiety to him or them that will sue for the same by action of debt, detinue, bill, plaint or information in any of the King's courts of record, wherein

A mean to discover faulty clothes by the want of the *E* crowned. 3 & 4 Ed. 6. c. 2. Who shall have the forfeitures, and by what means.

wherein no wager of law, essoin or protection shall be admitted nor allowed for the defendant.

Tavestock  
clothes.

LII. Provided always, That this act, nor any thing therein contained, shall not in any wise extend to any cloth or clothes made in the town of *Tavestock* in the county of *Devonshire*, or elsewhere within the said county, commonly called *Tavestock* clothes, but that it shall be lawful to all and every inhabitants of the said town, or makers of the said clothes commonly called *Tavestocks*, to make and seal the same with the accustomed seal, as they have heretofore been accustomed; any thing in this act to the contrary in any wise notwithstanding.

No boiling of  
wools.  
Savil 132.

LIII. Provided also, and be it enacted by the authority aforesaid, That it shall not be lawful to any person or persons, at any time after the feast of St. *Michael* the archangel next coming, to boil or cause to be boiled any kind of wools, to be converted into any kind of broad-cloth or kersie, with any kind of gauls, rinds, barks of trees or saw-dust, upon pain to forfeit all such wool, or the value thereof, to be recovered and had in such form and sort as in the aforesaid act is limited and expressed. 10 *Anna* c. 16.

#### CAP. VII.

Wools.  
Savil 12.

What persons may buy and sell wool, and who not, and at what times. Rep. 21 *Jac.* 1. c. 28. 18 *Ed.* 3. c. 3. 4 *Ed.* 4. c. 4. 4 *H.* 7. c. 11. 37 *H.* 8. c. 15. 1 *Ed.* 6. c. 6. 2 & 3 *P. & M.* c. 13.

#### CAP. VIII.

An act limiting what persons shall weave or make broad woollen cloth. Repealed by 1 *Ma. Jess.* 3. c. 7. and 2 & 3 *Ph. & M.* c. 11.

#### CAP. IX.

An act for the taking away of the benefit of the clergy from certain offenders.

No person robbing any  
house, &c.  
shall have the  
benefit of his  
clergy.

23 *H.* 8. c. 1.  
3 *Inst.* 65, 115.  
*Kelyng* 67, 68,  
69.  
32 *H.* 8. c. 3.

**WHERE** at the parliament holden at Westminster by prorogation the twenty-third year of the reign of the late King of famous memory, King Henry the Eighth, it was among other things then and there enacted, established and ordained by authority of the same parliament, That no person or persons, which after that time should happen to be found guilty, after the laws of this realm, for any manner petty treason, or for any wilful murder of malice prepensed, or for robbing of any churches, chapels or other holy places, or for robbing of any person or persons in their dwelling-houses or dwelling-places, the owner or dweller in the same house, his wife, his children or servants then being within, and put in fear or dread by the same, or for robbing of any person or persons in or near about the highways, or for wilful burning of any dwelling-houses or barns wherein any grain or corn should happen to be, nor any person or persons being found guilty of any abetment, procurement, maintaining or concealing of any or to any such petty treason, murders or felonies, should from thenceforth be admitted to the benefit of his or their clergy, but utterly to be excluded thereof, and suffer death in such manner and form as they should have done for any the causes or offences aforesaid, if they were no clerks; such as be within holy orders, that

is to say, of the orders of subdeacon, or above, all only excepted, as by the same act among other things more plainly appeareth; (2) which act was made to endure until the last day of the next parliament; and after that, at the session of the parliament holden at Westminster by prorogation in the thirty-second year of the reign of the said late King, the same act with other acts was made to continue for ever.

II. Sithen the making of which statute it hath been doubted, that if such robberies and felonies have been committed and done in dwelling-houses and dwelling-places, the owner or dweller in the same house, his wife, his children or servants, being then put in fear or dread by the same, shall not lose the benefit of their clergy, if the offenders therein be found guilty by the laws of this realm, unless the same robbery or felony be committed and done in the very chamber, house or place where the owner or dweller in the same house, his wife, children or servants shall happen to be or lie at the time of such robbery and felony committed and done, and put in fear and dread, although the owner and dweller in such house and houses, his wife, his children or servants, at the time of such robbery and felony committed and done, were or lay in other places within the precinct of the same dwelling-houses, nigh unto the house or place where such robbery and felony shall happen to be done: (2) or if it happen that the owner or dweller within the same house where such robbery and felony shall happen to be done, his wife, children or servants to be asleep at the time of such robbery and felony committed and done, although the same robbery were done in the chamber or place where the owner or dweller in the same house, his wife, children or servants then lay, the offenders being found guilty thereof according to the laws of the land, should not lose the benefit and advantage of their clergy.

III. And where also it hath been in question and doubted, that if such robberies and felonies happen to be committed and done in any booth or booths, tent or tents in any fair or market, the owner of the same, his wife, children or servants happening to be within the same at the time of the committing of such felonies, and put in fear and dread, the offenders therein being found guilty after the laws of this realm, should not lose the benefit of their clergy.

IV. For the true declaration and explanation of the same doubts or questions before recited, be it enacted, ordained and established by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if it happen any person or persons to be found guilty according to the laws of this realm, for robbing of any person or persons after the first day of May next ensuing, in any part or parcel of their dwelling-houses or dwelling-places, the owner or dweller in the same house, or his wife, his children or servants, being then within the same house or place where it shall happen the same robbery and felony to be committed and done, or in any other place within the precinct of the same house or dwelling-place; that such offenders shall in no wise be admitted to their clergy, whether the owner or dweller in the same house, his wife or children then and there being, shall be waking or sleeping.

Three several doubts and questions moved upon the Stat. of 23 H. 8. c. 1.

Poph. 24.  
Br. Coron. 160.

Burglary, the owner, &c. being in another part of the house or asleep.

4 Co. 40.

Burglary in a tent or booth in a fair or market.

23 H. 8. c. 1.

V. And that no person or persons which after the said first day of *May* shall happen to be found guilty, after the laws of this realm, of and for robbing any person or persons in any booth or tent, in any fair or market, the owner, his wife, his children or servants, or servant, then being within the same booth or tent, shall not from henceforth be admitted to the benefit of his or their clergy, but utterly be excluded thereof, and suffer death in such manner and form as is before mentioned in the said act made in the said xxij. year of the reign of the same late King, for robberies and felonies committed and done in dwelling-houses and dwelling-places, the owner or dweller in the same, his wife, children or servants then being within the same, and put in fear and dread, without having any respect or consideration whether the owner or dweller in such booths and tents, his wife, children or servants, being in the same booths or tents at the time of such robberies and felonies committed, shall be sleeping or waking.

### CAP. X.

*An act for the avoiding of clergy from divers persons.*

Such as rob in one shire, and fly into another, shall not have their clergy.

25 H. 8. c. 3.

23 H. 8. c. 1.

**W**HERE in the parliament holden at Westminster upon prorogation the fifteenth day of January in the twenty-fifth year of the reign of our late sovereign lord King Henry the Eighth, it is recited, That at the parliament holden at Westminster in the twenty-third year of the reign of the said late King, amongst other things it was ordained, established and enacted, That no person or persons, which after that time should happen to be found guilty, after the laws of this land, of any manner of petty treason, or for any wilful murder of malice prepensed, or for robbing of any churches, chapels or other holy places, or for robbing of any person or persons in their dwelling-houses or dwelling-place, the owner or dweller in the same house, his wife, his children or servants then being within, and put in fear and dread by the same, or for ridding of any person or persons in or near about the highways, or for wilful burning of any dwelling-houses or barns where in any grains of corn should happen to be, nor any person or persons being found guilty of any abetment, procurement, helping, maintaining or concealing of or to any such petty treason, murders or felonies, should from thenceforth be admitted to the benefit of his or their clergy, but should utterly be excluded thereof, and suffer death in such manner and form as they should have done for any the causes or offences aforesaid, if they were no clerks; (2) which act extendeth but only where such offender was convicted in such county or place where any such offence was so committed and done, and not where he or they did such offence in one county, and were taken with the mainer in another county: (3) wherefore it was considered, That forasmuch as divers and many felons and robbers that commit and do divers and many great heinous robberies and burglaries in one shire, and convey the spoil and robbery into any other shire, and there be taken, indicted and arraigned of felony, of the felonious stealing of the same goods in the same other shire than where the same robberies or burglaries were done and committed, and not of the same robbery nor burglary, for that it was not done or committed

*mitted in the same shire where they be so indicted and arraigned; and that by reason thereof such felons, robbers and burglarors had and enjoyed the privilege and advantage of their clergy;*

II. For redress whereof, it was enacted in the said parliament holden in the said xxv. year of the said late King, That if any person or persons after that time, after such robbery or burglary by him or them done in any one county, should be indicted of felony for stealing of any goods or chattels in any other county within this realm, and thereupon arraigned and found guilty, or stand mute of malice, or challenge peremptorily above the number of xx. persons, or would not upon his or their said arraignment directly answer to the same felony, that then the same person and persons so arraigned and found guilty, or standing mute of malice, or challenging peremptorily above the number of twenty persons, or that would not directly answer to the law, should lose and be put from the benefit of his or their clergy, in like manner and form as they should have been if they had been indicted, arraigned and found guilty in the same county where such robbery or burglary as is aforesaid, was done or committed, if it should appear to the justices before whom any such felons or robbers should be arraigned by evidence given before them, or by examination, that the same felons and burglarors should have been put from their clergy, in case they had been indicted, arraigned and found guilty, in the same county where the same robberies or burglaries were committed or done, as in the same statute made in the said xxv. year, among other things, more plainly appeareth.

III. *And where in the parliament holden at Westminster the iv. day of November in the first year of the reign of our sovereign lord the King that now is, it is ordained and enacted amongst other things, That no person or persons that before that time had been or at any time after should be in due form of the laws attainted or convicted of murder of malice prepensed, or of poisoning of malice prepensed, (2) or of breaking of any house by day or by night, any person being then in the same house where the same breaking had been or after that time should be committed, being put in fear or dread; or of or for robbing of any person or persons in the highway, or near to the highway, or for felonious stealing of horses, geldings or mares; (4) or of felonious taking of any goods out of any parish church, or other church or chapel; (5) or being indicted or appealed of any of the same offences, and thereupon found guilty by verdict of xij. men, or should confess the same upon his or their arraignment, or would not answer directly according to the laws of this realm, or should stand wilfully or of malice mute, (6) should not be admitted to have or enjoy the privilege or benefit of his or their clergy or sanctuary, but should be put from the same.* Wherein the stat. made 1 Ed. 6. c. 12, doth take away the force of the stat. of 25 H. 8. c. 3.

IV. *And that in all other cases of felony, other than such as be before mentioned, all and singular person and persons which after the first day of March then next following should be arraigned, or found guilty upon his or their arraignment, or should confess the same, or stand mute in form aforesaid, or would not answer directly in form aforesaid, should have and enjoy the privilege and benefit of his or their*

The stat. of  
25 H. 8. c. 3.  
shall stand in  
force notwith-  
standing a  
clause com-  
prised in the  
stat. of 1 Ed. 6.  
c. 12.

clergy, and the liberty and privilege of sanctuary, in like manner and form as he or they might or should have done before the xxiv. day of April in the first year of the reign of the said late King Henry the Eighth, as in the said act made in the said first year, among other things, more plainly appeareth: (2) by reason of which article and clause contained in the said act made in the said first year, the said statute made in the said xxv. year of the said late King, which did put such felons and burglarers from their clergy, that do such offence in one county, and after are taken with the goods stolen in another county, and there indicted, arraigned and found guilty, was made void: by reason whereof divers and many persons, that sithen the said first year have committed such robberies and burglaries in one county, and after have been taken with the manner in another county, and there indicted, arraigned and found guilty, have had and enjoyed their clergy, which they could not have had in case the said act made in the said xxv. year had stood in force, to the great belding and comfort of such offenders: (3) for redress whereof from henceforth to be had, be it enacted by the authority of this present parliament, That the said act made in the said xxv. year touching the putting of such offenders from their clergy, and every article, clause or sentence contained in the same touching clergy, shall from henceforth touching such offences from henceforth to be committed and done, stand, remain and be in full strength and virtue, in such manner and form as it did before the making of the said act made in the said first year of the reign of our said sovereign lord the King that now is; any clause, article or sentence comprised in the said act made in the said first year, to the contrary thereof notwithstanding.

## CAP. XI.

*An act for the punishment of divers kinds of treasons.*

1 Mar. stat. 1.  
c. 1.

**F**Orasmuch as it is most necessary both for common policy and duty of subjects above all things to prohibit, restrain and extinct all manner of shameful slanders which might grow, happen or arise to their sovereign lord the King's majesty, which when they be heard, seen or understood, cannot be but odible, and also abhorred of all those sorts that be true and loving subjects, if in any point they may, do or shall touch his Majesty, upon whom dependeth the whole unity and universal weal of this realm, without providing wherefore too great a scope of unreasonable liberty should be given to all cankered and traitorous hearts, and the King's loving subjects should not declare unto their sovereign lord now-being, which unto them hath been and is most entirely both beloved and esteemed, their undoubted sincerity and truth:

II. Be it therefore enacted by the assent and consent of our sovereign lord the King, and the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That if any person or persons after the first day of June next coming, by open preaching, express words or sayings, do expressly, directly and advisedly set forth and

and affirm, that the King that now is, is an heretick, schismatick, tyrant, infidel or usurper of the crown, or that any his heirs or successors to whom the crown of this realm is limited by authority of parliament, holden in the five and thirtieth year of the reign of the late King *Henry* the Eighth, being in lawful possession of the crown, is an heretick, schismatick, tyrant, infidel or usurper of the crown, that then every such offender being thereof duly convicted or attainted by the laws of this realm, their abettors, procurers and counsellors, and all and every their aiders and comforters, knowing the said offences or any of them to be done, for his or their such first offence, shall lose and forfeit to the King all his and their goods and chattels, and also shall have and suffer imprisonment of his and their bodies at the King's will and pleasure. And if any person being once convicted or attainted of any of the said offences, shall after his said conviction or attainder estoons commit or perpetrate any of the offences before mentioned, in form aforesaid committed, and shall be thereof duly convicted or attainted by the laws of this realm, that then every such offender and offenders, their abettors, procurers and counsellors, and all and every their aiders and comforters, knowing the said offences or any of them to be done, for his or their second offence or offences, shall lose and forfeit to the King the whole issues and profits of all his and their lands, tenements and other hereditaments, benefices, prebends and other spiritual promotions for term of the life of such offender or offenders, and shall also lose and forfeit unto the King all his and their goods and chattels, and also suffer during his and their lives, perpetual imprisonment of his and their bodies.

III. Provided always, that such of the said spiritual promotions as shall be charged with cure, be always by the King's majesty and his heirs and successors, sufficiently furnished of a curate for the discharge of the same. And if any person being two times hereafter convicted or attainted of any of the same offences in form aforesaid committed, shall after his second conviction or attainder, estoons commit or perpetrate again any of the said offences in form aforesaid, and be thereof duly convicted or attainted by the laws and statutes of this realm, that then every such third offence or offences shall be deemed and adjudged high treason, and the offender or offenders therein, their abettors, procurers and counsellors, and all and every their aiders and comforters knowing the said offences or any of them to be done, being thereof convicted or attainted according to the laws and statutes of this realm, shall be adjudged and deemed high traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements, whereof he or they shall be seised of an estate of inheritance in his or their own right, to the King as in cases of high treason.

IV. And be it further enacted by the authority aforesaid, that if any person or persons at any time after the said first day of *June*

next coming, by writing, printing, painting, carving or graving; do directly, expressly and advisedly publish; set forth and affirm, that the King that now is, or any his heirs or successors limited as is aforesaid, is an heretick, schismatick, tyrant, infidel or usurper of the crown, that then every such offence and offences shall be deemed and adjudged high treason, and the offender and offenders, their abettors, procurers and counsellors, and all and every their aiders and comforters, knowing the said offences or any of them to be done, being thereof convicted or attained according to the laws and statutes of this realm, shall be deemed and adjudged high traitors and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the King, as in cases of high treason.

V. And be it further enacted by the authority aforesaid, That if any person or persons after the said first day of *June* next coming, rebelliously do detain, keep or with-hold from our said sovereign lord, his said heirs and successors, any of his or their castles, fortresses, fortresses or holds within this realm, or in any other the King's dominions or marches, or rebelliously keep, detain or with-hold from the said King's highness, his said heirs or successors, any of his or their ships, ordnances, artillery or other munitions or fortifications of war, and do not obediently render and give up to our said sovereign lord, his said heirs or successors, or to such persons as shall be deputed by them or any of them, such castles, fortresses, fortresses, holds, ships, ordnances, artillery or other munitions and fortifications of war, rebelliously kept and detained, within six days next after they shall be commanded by our said sovereign lord, his said heirs or successors, by open proclamation under the great seal, the same proclamation to be made in such place and order, so as the party and parties to be charged by this act may conveniently have notice or knowledge thereof: That then every such person or persons so offending in any of the premisses after the said first day of *June*, their abettors, procurers and counsellors, and all and every their aiders and comforters, knowing the said offences or any of them to be done, being lawfully convicted of the rebelliously keeping and detaining thereof, according to the laws and statutes of this realm, shall be adjudged traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements unto the King, as in cases of high treason.

Before whom  
treasons com-  
mitted out of  
the realm  
shall be tried.  
Stat. 26 H. 8.  
c. 13.  
35 H. 8. c. 2.

VI. And over that be it enacted by the authority aforesaid, That if any of the King's subjects, denizens or other, do commit or practise out of the limits of this realm in any outward parts, any of the offences which by this act are made, or heretofore now standing in force have been made treason, That then such treasons, whatsoever they be, or wheresoever they should happen so to be done or committed, shall be enquired and presented by the oaths of xii. good and lawful men, upon good and probable evidence and witnesses, in such shire and county of this realm,

realm, and before such persons, as it shall please the King, his said heirs or successors, to appoint by commission under his great seal, in like manner and form as treasons committed within this realm have been used to be enquired of and presented: (2) and that upon every indictment and presentment founden and made of such treasons, and certified in the King's bench, like process and other circumstance shall be there made and had against the offenders, as if the same treason so presented had been lawfully found to be done and committed within the limits of this realm.

VII. And that all process of outlawry hereafter to be had and made within this realm, against any offenders in treason being resiant or inhabitant out of the limits of this realm, or in any the parts beyond the sea, at the time of the outlawry pronounced against them, shall be as good and effectual in the law to all intents and purposes, as if any such offenders had been resident and dwelling within this realm at the time of such process awarded and outlawry pronounced.

Process of outlawry awarded against an offender in treason, being out of the realm.

26 H. 8. c. 13.

VIII. Provided always, and be it enacted by the authority aforesaid, That if the party so hereafter to be outlawed, shall within one year next after the said outlawry pronounced or judgment given upon the said outlawry, yield himself unto the chief justice of *England* for the time being, and offer to traverse the indictment or appeal whereupon the said outlawry shall be pronounced as is aforesaid, That then he shall be received to the said traverse, and being thereupon found not guilty by the verdict of xij. men, he shall be clearly acquitted and discharged of the said outlawry, and of all penalties and forfeitures by reason of the same, in as large and ample manner and form as though no such outlawry had been made; any thing herein contained to the contrary in any wise notwithstanding.

The party outlawed within one year, yieldeth himself to the chief justice of *England*.

3 Inst. 216.

3 Mod. 47.

Dyer 227, 289, 332.

Rex v. Armstrong in B. R.

Trin. 36 Car. 2.

v. 1 Hale's

H. P. C. 295.

IX. And be it further enacted by the authority aforesaid, That every offender or offenders being hereafter lawfully convicted of any manner of high treason, by presentment, confession, verdict or process of outlawry, according to the due course and custom of the laws of this realm, shall lose and forfeit to the King's highness, his heirs and successors aforesaid, all such lands, tenements and hereditaments which any such offender or offenders shall have of any estate of inheritance in his own right, in use or possession, within this realm of *England*, or elsewhere within any of the King's dominions, at the time of any such treasons committed, or at any time after.

Forfeiture by attainder of treason of lands in fee-tail.

2 Mod. 333.

2 Roll. 325.

341.

X. And it is further enacted by the authority aforesaid, That no person or persons shall in any wise be impeached for any of the offences abovesaid, committed only by open preaching or words, unless the offender or offenders be thereof accused within three months next after the same open preaching and words, and that the same accusation or accusations be had, made and declared to one of the King's council, or to one of the King's justices of assise, or else to one of the King's justices of the peace, being of the *quorum*, or to two justices of the

Within what time and before whom the offender must be accused.

peace within the shire where the same offence or offences shall happen to be done or committed; any thing contained in this act to the contrary thereof in any wise notwithstanding.

Concealment  
of high trea-  
son is mis-  
prision of  
treason.

XI. Provided also, and be it declared and enacted by the authority aforesaid, That concealment or keeping secret of any high treason, be deemed and taken only misprision of treason, and the offender therein to forfeit and suffer as in cases of misprision of treason, as heretofore hath been used; any thing above-mentioned to the contrary notwithstanding.

No person shall  
be attainted of  
treason but  
upon the testi-  
mony of two  
lawful ac-  
cusers.

1 Ed. 6. c. 12.  
f. 22.

1 & 2 Ph. & M.  
c. 10.

Br. Coron.

219.

Rexv. Raleigh,  
1 Jac. 1. apud  
Winton.

The right of  
others saved.

XII. Provided always, and be it enacted by the authority aforesaid, That no person or persons, after the first day of June next coming, shall be indicted, arraigned, condemned, convicted or attainted for any of the treasons or offences aforesaid, or for any other treasons that now be, or hereafter shall be, which shall hereafter be perpetrated, committed or done, unless the same offender or offenders be thereof accused by two lawful accusers; (2) which said accusers at the time of the arraignment of the party accused, if they be then living, shall be brought in person before the party so accused, and avow and maintain that that they have to say against the said party, to prove him guilty of the treasons or offences contained in the bill of indictment laid against the party arraigned; unless the said party arraigned shall willingly without violence confess the same: (3) saving to every person and persons, their heirs and successors, other than the offenders and their heirs, and such person and persons as claim to any their uses, all such rights, titles, interest, possessions, leases, rents, reversions, offices and other profits, which they or any of them shall have at the day of committing such treasons, or at any time after, in as large and ample manner as if this act had never been had nor made.

The wife shall  
lose her dower  
where the hus-  
band is at-  
tainted of  
high treason.

1 Ed. 6. c. 12.  
Stamf. pl. cor.  
295.

XIII. Provided also, and be it enacted by the authority aforesaid, That the wife or wives whose husband or husbands hereafter shall be attainted of treasons specified in this act, or of any other treasons whatsoever they be, shall in no wise be received to ask, challenge, demand or have dower of any the lands, tenements or hereditaments of any the person or persons to be attainted of treason as is aforesaid, during the said attainder in his force; any thing before mentioned to the contrary in any wise notwithstanding.

## CAP. XII.

*An act touching the declaration of a statute made for the marriage of priests, and for the legitimization of their children.*

The marriage  
of priests and  
other spiritual  
persons shall  
be adjudged  
lawful.

2 & 3 Ed. 6.  
c. 21.

**A**LBEIT that at the session of this parliament holden by pro-rogation at Westminster the fourth day of November in the second year of the reign of the King's majesty that now is, it was ordained and enacted by the authority of the same parliament, That all and every law and laws positive, canons, constitutions and ordinances before that made by the authority of man only, which then did prohibit and forbid marriage to any ecclesiastical and spiritual person or persons, of what estate, condition, or degree they then were, or by what

what name or names soever they then were called, which by God's law might lawfully marry, and all and every article, branch and sentence concerning only the prohibition for the marriage of the persons aforesaid, should be utterly void and of none effect: (2) and that all manner of forfeitures, pains, penalties, crimes or actions, which were in the said laws contained, or of the same did follow, concerning the prohibition for the marriage of the persons aforesaid, should be clearly and utterly void, frustrate and of none effect, to all intents, constructions and purposes, as well concerning marriage aforesaid that time made by any of the ecclesiastical or spiritual persons aforesaid, as also such which thereafter should be duly and lawfully had, celebrated and made betwixt the persons which by the laws of God might lawfully marry: (3) yet since the making of the said act, divers evil disposed persons perversely taking occasion of certain words and sentences in the same act comprised, have and do untruly and very slanderously report of priests matrimony, saying that the same statute is but a permission of priests matrimony, as usury and other unlawful things be now permitted, for the eschewing of greater inconvenience and evils, so that thereby the lawful matrimony of priests, in the opinion of many, and the children procreate and born in such lawful matrimony rather be of a greater number of the King's subjects accounted as bastards, than lawfully born, to the great slander, peril and dishonour of such children: (4) which untrue slanderous reproach of holy matrimony doth not only redound to the high dishonour of Almighty God, but also to the King's majesty's dishonour, and his high court of parliament, and the learned clergy of this realm, who have determined the same to be most lawful by the law of God in their convocation, as well by their common assent, as by the subscription of their hands: (5) and that most of all is to be lamented, through such uncomely railings of matrimony and slanderous reproaches of the clergy, the word of God is not heard with reverence, followed with diligence, the godly proceedings of the King's majesty not received with due obedience, and thereby the wealthy men of this realm discouraged to nourish and bring up their children in learning, so as it is to be feared, lest in place of good learning and knowledge shall creep in ignorance, and for learned men, unlearned ambitious men and flatterers, to the great displeasure of Almighty God, and to the peril of the whole state of God's true religion within this realm, if speedy remedy be not provided herein:

II. Therefore it is enacted by the King our sovereign lord, Priests children shall be with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same parliament, That the matrimony of all and every priest and other ecclesiastical and spiritual person and persons heretofore had, celebrated and made, and the matrimony of every priest and other ecclesiastical and spiritual person, which shall hereafter duly be had, celebrated and made, shall be adjudged, deemed and taken for true, just and lawful matrimony, to all intents, constructions and purposes; (2) and that all and every children and child born in any such matrimony, shall be deemed, judged, reputed and taken to all

legitimate,  
and inherit  
their auceffors  
lands.

Priests shall be tenants by the courtesy, and their wives endowable of their lands.

Asking in the church.

Divorces already made.

intents, constructions and purposes, to be born in lawful matrimony, and to be legitimate and inheritable to lands, tenements and other hereditaments, from and by any of their fathers, mothers and other ancestors, in like manner and form, to all intents, constructions and purposes, as any other children born in lawful matrimony betwixt any of the King's lay-subjects be inheritable : (3) and that by the authority aforesaid, as well all and every priest and other ecclesiastical and spiritual person and persons be and shall be enabled to be tenants by the curtesy, after the death of their wives, of such lands, tenements and other hereditaments as their wives shall happen to be seised of, of estate in fee-simple or estate in fee-tail general, during the spousals ; (4) as also every wife of every such priest and other ecclesiastical person, shall be enabled to claim, demand, have and enjoy dower of the lands, tenements and other hereditaments, whereof her husband during the espousals between them was seised, of estate in fee-simple or fee-tail general in his own right, in like manner and form, to all intents, constructions and purposes, as any other husband or wife may or might claim, demand, have or enjoy ; any law, statute, ordinance, canon, constitution, prescription or custom had, made, exercised or used in this realm, to the contrary in any wise notwithstanding.

III. Provided alway, That this act, nor any thing therein contained, shall extend to give liberty to any person to marry without asking in the church, or without the ceremonies according to the book of common prayer and administration of the sacraments, (2) nor shall make any such matrimony already made, or hereafter to be made, good, which are prohibited by the law of God for any other cause.

IV. Provided also, That this act, nor any thing therein contained, shall extend to alter, change, revoke, repeal or otherwise to disannul any decree, judgment or sentence of divorce heretofore had or made, or to change or alter the possession or inheritance of any lands or tenements already descended ; but that they and every of them shall remain, continue and be of such like force, effect, strength and degree, to all intents, constructions and purposes, as they were before the making of this act ; this act or any thing therein contained to the contrary in any wise notwithstanding. REP. 1 M. sess. 2. c. 2. and made perpetual by 1 Jac. 1. c. 25. f. 50.

### CAP. XIII.

31 H. 8. c. 6.  
Palmer 388.

An act for the declaration of an act made in the xxxj. year of King Henry the Eighth, touching religious persons. Every religious person shall be inheritable to his ancestor only from the time of his deraignment. No religious person shall inherit by force of any former right grown before his deraignment.

## C A P. XIV.

*An act against regrators, forestallers and ingrossers.*

**A**LBEIT divers good statutes heretofore have been made against forestallers of merchandises and victuals yet for that good laws and statutes against regrators and ingrossers of the same things have not been heretofore sufficiently made and provided, and also for that it hath not been perfectly known what person should be taken for a forestaller, regrator or ingrosser, the said statutes have not taken good effect, according to the minds of the makers thereof: (2) Therefore be it enacted and declared by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That whatsoever person or persons, that after the first day of *May* next coming shall buy or cause to be bought, any merchandise, victual or any other thing whatsoever, coming by land or by water toward any market or fair to be sold in the same, or coming toward any city, port, haven, creek or road of this realm or *Wales*, from any parts beyond the sea to be sold, (3) or make any bargain, contract or promise, for the having or buying of the same or any part thereof to come as is aforesaid, before the said merchandise, victuals or other things, shall be in the market, fair, city, port, haven, creek or road, ready to be sold; (4) or shall make any motion by word, letter, message or otherwise, to any person or persons, for the enhancing of the price or dearer selling of any thing or things abovementioned, (5) or else dissuade, move or stir any person or persons coming to the market or the fair, to abstain or forbear to bring or convey any of the things above rehearsed, to any market, fair, city, port, haven, creek or road to be sold, as is aforesaid, (6) shall be deemed, taken, and adjudged a forestaller.

II. Further be it enacted and declared by the authority aforesaid, That whatsoever person or persons, that after the said first day of *May* shall by any means regrate, obtain, or get into his or their hands or possession, in any fair or market, any corn, wine, fish, butter, cheese, candles, tallow, sheep, lambs, calves, swine, pigs, geese, capons, hens, chickens, pigeons, conies, or other dead victual whatsoever, that shall be brought to any fair or market within this realm or *Wales* to be sold, and do sell the same again in any fair or market holden or kept in the same place, or in any other fair or market within four miles thereof, shall be accepted, reputed and taken for a regrator or regrators.

III. And be it also enacted and declared by the authority aforesaid, That whatsoever person or persons, that after the said first day of *May* shall ingross or get into his or their hands, by buying, contracting or promise-taking, other than by demise, grant, or lease of land or tithe, any corn growing in the fields, or any other corn or grain, butter, cheese, fish, or other dead victuals whatsoever, within the realm of *England*, to the intent to sell the same again, shall be accepted, reputed and taken an unlawful ingrosser or ingrossers.

IV. And

Who shall be judged a forestaller, who a regrator, and who an ingrosser; and the punishment of them.

25 Ed. 3. st. 4.

c. 3.

2 R. 2. st. 1.

c. 2.

Repealed as to

buying sea-

fish unsalted,

&c. by 5 Eliz.

c. 5. l. 131.

2 Bullst. 317.

Godbolt 131.

pl. 148.

3 Inst. 195, 196.

12 Co. 99.

1 Roll. 11, 194.

421.

2 Roll. 92, 400.

Stile 190.

Moor 595.

pl. 810.

Cro. Jac. 214.

Cro. Car. 231.

314.

2 Leon. 59.

Comberb. 3.

The punishment of the offenders aforesaid for the first offence.

IV. And if any person or persons shall at any time after the said first day of *May* offend in any of the things before recited, and being thereof duly convicted and attainted by the laws of this realm, or after the form hereafter mentioned, shall for his or their first offence have or suffer imprisonment for the space of two months without bail or mainprize, (2) and shall also lose and forfeit the value of the goods, cattle and victual so by him or them bought or had.

The punishment for the second offence.

V. And if any person lawfully convicted or attainted of or for any of the offences aforesaid, be thereof afterwards lawfully convicted or attainted, that then every person or persons so offending shall have and suffer for his or their said second offence, imprisonment by the space of one half year, without bail or mainprize, and shall lose double the value of all the goods, cattle and victual so by him bought or had, as is aforesaid.

The punishment for the third offence.

VI. And if any person being lawfully twice convicted or attainted of or for any of the said offences, shall afterwards offend the third time, and be thereof lawfully convicted or attainted, that then every such person for the said third offence shall be set on the pillory in the city, town or place, where he shall then dwell and inhabit, and lose and forfeit all the goods and cattle that he or they have to their own use, and also be committed to prison, there to remain during the King's majesty's pleasure.

To what retailing or other acts this statute doth not extend. Godbolt 144. pl. 180. 3 Roll. 135.

VII. Provided alway, and it is enacted and declared by the authority aforesaid, That the buying of any such barley, bigg or oats, as any person or persons (not forestalling) shall buy to convert into malt or oatmeal, in his or their own house or houses, and so shall be converted indeed; (2) or the buying of any such thing by any such fishmonger, butcher or poulterer, as concern his or their own faculty, craft or mystery, (otherwise than by forestalling) which shall sell the same again upon reasonable prices by retail; (3) or the taking of any cattle, corn, grain, butter, cheese, or any other thing above mentioned, reserved without fraud or covin upon any lease for term of life or lives, year or years, heretofore made or hereafter to be made; (4) or the buying of any wine or other dead victual above mentioned, being apt and meet for man's sustenance, by any innholder or other victualler, to sell the same by retail within his house, or to any of his neighbours for their sustenance, for reasonable prices; (5) or the buying of any dried or salted fish, herring or sprats (not forestalled) and sold for reasonable prices; (6) or the buying of any corn, fish, butter or cheese, by any such badger, lader, kidder or carrier, as shall be assigned and allowed to that office or doing, by three justices of the peace of the county where the said badger, lader, kidder or carrier shall dwell, which shall sell or deliver in open fair or market, (7) or to any other victualler, or to any other person or persons for the provision of his or their house or houses, all such corn, grain, butter and cheese, as any such person shall buy or cause to be bought, and that within one month next after he shall so buy any such corn, grain, butter

Badger, &c. to be allowed by the quarter sessions, &c. by 5 Eliz. c. 12. s. 4.

butter or cheese, so that the same shall be bought without forestalling; (8) or else that any common provision made, or hereafter to be made, without any fraud or covin, by any person or persons, of any of the things abovesaid, for any city, borough or town corporate, or for provision of victualling of any ship, castle or fort within the King's dominions, without forestalling, which shall be employed only to that use and purpose; (9) or the buying and providing of any of the victuals above mentioned, necessary and requisite for the furniture and provision of the inhabitants of *Calais*, *Guisnes*, and other the marches of the same, or of the town of *Berwick*, *Holy Island*, or the marches of *England* against *Scotland*, which without fraud or covin shall be transported and conveyed as soon as wind and weather may serve, to such of the places aforesaid for the which the same shall be so provided; (10) shall not be in any wise deemed, adjudged or taken any offence contrary to this act.

VIII. And it is also further enacted by the authority aforesaid, That if any person or persons after the said first day of *May* next coming, having sufficient corn and grain for the provision of his or their own house or houses, and sowing of their grounds for one year, do buy any corn in any fair or market, for the change of his or their seed, and do not bring to the same fair or market the same day so much corn as he shall fortune to buy for his seed, and sell the same, if he can, as the price of corn then goeth in the said market or fair, That then every such person or persons so buying corn for seed, shall forfeit and lose the double value of the corn so bought.

Changing of  
seed-corn.  
2 Brownl. 128.

IX. Or if any person or persons after the said first day of *May* shall buy any manner of oxen, ronts, steers, kine, heifers, calves, sheep, lambs, goats or kids living, and sell the same again alive, unless he or they do keep and feed the same by the space of five weeks in his or their own houses, ground, ferm-ground, or else in such ground or grounds where he or they have the herbage or common of pasture by grant or prescription, That then every person or persons so buying and selling again, shall lose the double value of the cattle or things so bought and sold again: (2) the one moiety of all which forfeitures afore rehearsed shall be to the King, and the other moiety to him or them that will sue for the same in any of the King's courts of record, by bill, plaint, action of debt, or information; in the which bill, plaint, action or information, no wager of law, essoin or protection shall be admitted.

No person  
may sell his  
cattle within  
five weeks af-  
ter he bought  
them.  
Carthew 465.  
1 Salk. 372.

X. Be it also further enacted by the authority aforesaid, That the justices of the peace in every county within this realm or *Wales*, at their quarter-sessions, shall have full power and authority by virtue of this act to enquire, hear and determine all and every the defaults and offences perpetrated, committed or done, contrary to this act, within the county where any such sessions shall be kept, by inquisition, presentment, bill, or information before them exhibited, and by examination of two lawful witnesses, or by any of the same ways or means,

The justices  
of peace may  
inquire, hear  
and determine  
the offences  
aforesaid.

by

by the discretion of the said justices, (2) and to make process thereupon, as though they were indicted before them by inquisition, or by verdict of xij. men or more; (3) and upon the conviction of the offender by information or suit of any other than the King, to make extracts of the one moiety of the forfeitures to be levied to the King's use, as they use to do of other fines, issues and amerciements grown in the sessions of peace, (4) and to award execution of the other moiety for the complainant or informer against the offender, by *feri facias* or *capias*, as the King's justices at *Westminster* may do and use to do: (5) and if any such conviction or attainder shall hereafter happen to be at the King's suit only, that then the whole forfeitures to be extracted and levied to the King's use only.

But one punishment for one offence.

XI. And it is further enacted by the authority aforesaid, That whatsoever person shall at any time hereafter be punished by virtue of this act for any thing mentioned in this act, that then the same person shall not otherwise be vexed, troubled, sued or put to any pain or punishment for that thing wherefore he or they shall have been so punished.

Transporting corn, &c. from one port to another by licence of the justices.

XII. Provided always, and it is enacted by the authority aforesaid, That it shall be lawful to every person or persons which shall be assigned and allowed by three justices of the peace of the county where he shall dwell thereunto, to buy (otherwise than by forestalling) corn, grain or cattle to be transported or carried by water from any port or place within this realm or *Wales*, unto any other port or place within the said realm or dominions, if he or they shall without fraud or covin ship or embark within threescore \* days next after he or they shall have bought the same, or taken covenant or promise for the buying thereof, and with such expedition and diligence as wind and weather will serve, to carry and transport the same to such port or place as his or their cockets shall declare, and there do disembark, unlade and sell the same, and do bring a true certificate thereof from one justice of the peace of the county of, or mayor or bailiff of the town corporate, where the same shall be unladen, and also of the customer of the port where such unloading shall be, of the place and day where the said corn or cattle shall be disembarked, unladen and sold, to be directed unto the customer and comptroller of the port where the same were embarked; any thing mentioned in this act to the contrary notwithstanding.

\* So in the rec. but Raft. Pult. Keble and Hawkins have it, forty days.

Every man may engross corn being at these prices.

XIII. And over that, that at all times hereafter, when wheat shall be commonly at the price of vj. s. viij. d. the quarter or under, (2) malt and barley at iij. s. iij. d. the quarter or under (3) oats or oats malted, at the price of ij. s. the quarter or under, (4) pease or beans at the price of iij. s. the quarter or under, (5) and rye or misteline at the price of v. s. the quarter or under; (6) (all which quarters shall be intended to be of *London* measure) (7) that then it shall be lawful to every person and persons (not forestalling) to buy, engross and keep in his or their granaries

granaries or houses, such corn of the kinds aforesaid, as without fraud or covin shall be bought at or under the prices afore expressed; any thing in this act to the contrary notwithstanding.

XIV. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, extend not to charge any person or persons for any the offences above mentioned, unless he or they be sued for the same within two years next after such offence done or committed. This act to endure until the end of the next parliament.

Within what time the offender must be sued.

XV. Provided always, and be it enacted by the authority aforesaid, That it shall be lawful to all and every of the King's majesty's subjects now dwelling or inhabiting, or that hereafter shall dwell or inhabit, within one mile of the main sea, to buy all manner of fish, fresh or salted (not forestalling the same) and to sell the same again at reasonable prices; this act or any thing therein contained to the contrary in any wise notwithstanding.

Regrating of fresh fish. 4 Mod. 102.

XVI. Provided also, and be it enacted by the authority aforesaid, That it shall be lawful to all and every person and persons, known for a common drover or drovers, being licenced, authorized and allowed in writing by three justices of the peace, whereof one to be of the *quorum*, of the county or counties where the same drover or drovers shall be most abiding and dwelling, to buy cattle in any such shires or counties where drovers have been wont in times past accustomedly to buy cattle, at their free liberty and pleasure, and to sell the same as is aforesaid, at reasonable prices, in common fairs and markets distant from the place or places where he or they shall buy the same forty miles at the least, so that the same cattle be not bought by way of forestalling; this act or any thing therein contained to the contrary in any wise notwithstanding.

Drovers of cattle licenced by the justices may buy and sell again. Drovers to be allowed by the quarter-sessions, by 5 El. c. 12. f. 4.

XVII. Provided always, That such licence of justices of the peace shall not endure above one year, unless the same be yearly renewed by so many justices as is aforesaid. *Made perpetual by 13 El. c. 25.*

### C A P. XV.

*An act against regrators and ingrossers of tanned leather.*

WHERE by the covetousness of divers greedy persons, regrating and engrossing all kinds of tanned leather into their hands, and selling the same again at excessive prices to saddlers, girdlers, cordwainers and such other artificers and handicrafts-men as make wares of tanned leather, the King's loving subjects are enforced to buy the said wares at unreasonable prices; (2) for remedy and reformation whereof, be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That from and after the first day of May next coming, no person or persons, of what estate, degree or condition soever he or they be, shall buy or engross, or cause to be bought

By what persons and for what purposes tanned leather may be bought and engrossed. Cro. El. 530.

In part repealed by 1 M. sess. 3. c. 8. f. 2.

bought or engrossed, any kind of tanned leather, to the intent to sell the same again, (3) upon pain to forfeit the said leather so bought or the just price thereof; the one moiety of which forfeiture shall be to the King our sovereign lord, and the other moiety to him or them that shall seize or sue for the same in any of the King's courts of record by action of debt, bill, plaint, information or otherwise, wherein no wager of law, es-join, protection or injunction shall be admitted or allowed for the defendant.

Sadlers, &c. may buy leather, &c.

II. Provided always, and be it enacted by the authority aforesaid, That all sadlers, girdlers, cordwainers and all other artificers, such as make males, bougets, leather pots, tankards, barhides or any other wares of leather, shall or may buy all such kind of tanned leather as is or shall be necessary for their occupying, to be wrought or made by them or by their servants in or about their said wares; any thing before mentioned in this act to the contrary notwithstanding.

Artificers may sell their wombs, shreds and necks.

III. Provided also, That every girdler and other artificer before mentioned in this act, may at his free will and pleasure sell their necks, wombs and shreds of tanned leather, (such as they or any of them cannot occupy about the wares they use to make) to any person or persons, without incurring any forfeit, pain or penalty before expressed in this act; any thing therein contained to the contrary notwithstanding.

Buying of so much tanned leather as the party hath licence to transport.

IV. Provided also, and be it further enacted by the authority aforesaid, That it shall be lawful to or for every person or persons which now have or hereafter shall have the King's majesty's special licence or licences to transport, carry or convey over the sea any kind of tanned leather, to buy for the furniture of their said licence or licences, in open fair or market, such and so much tanned leather as he or they be or shall be licenced to transport, carry or convey: so that the same licence or licences be presented and shewed unto the chief officer or officers that now have or hereafter shall have the governance of any city, town, fair or market where the said leather or any part thereof shall be bought: (2) and so that the said officer or officers seeing the same licence to be good and perfect, do justly and truly write upon the backside of every such licence or licences, how much tanned leather he or they shall there have bought, and the certain day, time and place of buying the same, that thereby it may manifestly appear how and when any such licence or licences be or shall be satisfied; any thing in this act to the contrary notwithstanding.

No person shall transport shoes, boots, &c. By 23 & 24 Car. 2. c. 7. f. 6. Shoes, &c. may be transported.

V. And be it further enacted by the authority aforesaid, That after the said first day of May next coming, no person or persons shall ship or cause to be shipped (to the intent to carry, transport or convey over the seas as merchandise to be sold or exchanged there) any shoes, boots, buskins, stertups or slippers; (2) upon pain to forfeit all and every such shoes, boots, buskins, stertups or slippers so shipped contrary to the true meaning of this act, or the value of the same; the one moiety of

of the said forfeiture to be to the King our sovereign lord, and the other moiety to him or them that shall sue or sue for the same in any of the King's majesty's courts of record, by action of debt, bill, plaint, information or otherwise, wherein no wager of law, essoin, protection or injunction shall be admitted or allowed for the defendant.

VI. Provided always, and be it enacted by the authority aforesaid, That this act, ne any thing therein contained, shall not in any wise extend to be prejudicial or hurtful to any person or persons being the King's subjects, for transporting or carrying over the seas unto *Calais* or the marches of the same, and unto the *Ile of Man*, so much or as many of the aforesaid made wares (as boots, buskins, stertups and slippers heretofore recited) as shall be necessary and convenient for the wearing and furniture of the King's subjects in them or any of them; any thing in this last act contained to the contrary hereof in any wise notwithstanding.

Repealed by  
5 El. c. 2. as  
to Calais, and  
also by 1 Jac. 2.  
c. 22. f. 38.

VII. Provided always, and be it enacted by the authority aforesaid, That no sadler, girdler, cordwainer, nor other artificer, dwelling within the city of *London* and the suburbs of the same, which shall cut the same tanned leather as is aforesaid, to the intent to make wares thereof, shall curry or dress any of the aforesaid tanned leather in his or their own house or houses, or by his or their servant or servants, upon pain of forfeiture of all and every the said tanned leather so to be curried; the one moiety of which forfeiture shall be to our sovereign lord the King, and the other moiety to the party that will sue for the same in any of the King's courts of record, by bill, plaint, action, or information, wherein no wager of law, essoin, protection or injunction shall be admitted or allowed for the defendant.

No cutter of  
leather in  
London shall  
curry it at his  
house.

## CAP. XVI.

### *Against buying and selling of offices.*

**F**OR the avoiding of corruption which may hereafter happen to be in the officers and ministers in those courts, places or rooms, wherein there is requisite to be had the true administration of justice or services of trust; (2) and to the intent that persons worthy and meet to be advanced to the place where justice is to be ministered, or any service of trust executed, should hereafter be preferred to the same, and no other:

The penalty  
for buying or  
selling some  
sort of offices,  
3 Bulstr. 91.  
1 Roll. 157, 236.  
2 Salk. 468.  
3 Lev. 289.

II. Be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons at any time hereafter bargain or sell any office or offices, or deputation of any office or offices, or any part or parcel of any of them, (2) or receive, have or take any money, fee, reward, or any other profit directly or indirectly, (3) or take any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee, reward or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices or any

1 Br. P. C. 135

This act intended by  
49 G. 3. c. 125 &  
Scotland & Ireland.  
the Colonies & Africa  
in the gift of Thomas

Hob. 75.  
Cro. Jac. 269.

Cal. Temp.  
Talb. 140.

any part of any of them; (4) or to the intent that any person should have, exercise or enjoy any office or offices, or the deputation of any office or offices or any part of any of them; (5) which office or offices, or any part or parcel of them, shall in any wise touch or concern the administration or execution of justice, (6) or the receipt controlment or payment of any of the King's highness treasure, money, rent, revenue, account, aulnage, auditorship or sarveying of any of the King's majesty's honours, castles, manors, lands, tenements, woods or hereditaments; (7) or any of the King's majesty's customs, or any other administration or necessary attendance to be had, done or executed in any of the King's majesty's custom house or houses; (8) or the keeping of any of the King's majesty's towns, castles, or fortresses, being used, occupied or appointed for a place of strength and defence; (9) or which shall concern or touch any clerkship to be occupied in any manner of court of record, wherein justice is to be ministred; (10) that then all and every such person and persons that shall so bargain or sell any of the said office or offices, deputation or deputations, or that shall take any money, fee, reward or profit, for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that shall take any promise, covenant, bond or assurance for any money reward or profit, to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, shall not only lose and forfeit all his and their right, interest and estate which such person or persons shall then have, of, in or to any of the said office or offices, deputation or deputations, or any part of any of them, or of, in or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which office or offices, or for any part of any of them, any such person or persons shall so make any bargain or sale, or take or receive any sum of money, fee, reward or profit, or any promise covenant or assurance to have or receive any fee, reward, money or profit: (11) but also that all and every such person or persons, that shall give or pay any sum of money, reward or fee, or shall make any promise, agreement, bond or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, shall immediately by and upon the same fee, money and reward given or paid, or upon any such promise, covenant, bond or agreement had or made for any fee, sum of money or reward to be paid as is aforesaid, be adjudged a disabled person in the law, to all intents and purposes, to have, occupy or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons shall so give or pay any sum of money, fee or reward, or make any promise, covenant, bond or other assurance, to give or pay any sum of money, fee or reward.

III. And be it also enacted by the authority aforesaid, That The bargain<sup>s</sup> all and every such bargains, sales, promises, bonds, agree- and assurances<sup>s</sup> ments, covenants and assurances as be before specified, shall shall be void. Cro. El. 529. be void, to and against him and them by whom any such Stiles. 19. bargain, sale, bond, promise, covenant or assurance, shall be had or made.

IV. Provided alway, That this act, or any thing therein To what of- contained, shall not in any wise extend to any office or offices, fices this sta- whereof any person or persons is or shall be seised of any estate tute shall not of inheritance; (2) nor to any office of parkership, or of the extend. keeping of any park, house, manor, garden, chase or forest, or to any of them; any thing in this act heretofore mentioned to the contrary thereof in any wise notwithstanding.

V. Provided also, That if any person or persons do here- Acts done by after offend in any thing contrary to the tenor and effect of an officer re- this act, yet that notwithstanding all judgments given, and moveable shall be good. and all other act or acts executed or done by any such person or persons so offending by authority or colour of the office or deputation which ought to be forfeited, or not occupied, or not enjoyed by the person so offending as is aforesaid, after the said offence so by such person committed or done, and before such person so offending for the same offence be removed from the exercise, administration and occupation of the said office or deputation, shall be and remain good and sufficient in law to all intents, constructions and purposes, in such like manner and form as the same should or ought to have remained and been if this act had never been had or made.

VI. Provided also, That this act, or any thing therein con- A bargain for tained, shall not in any wise extend to any bargain, sale, gift, an office be- grant, nomination, bond, covenant, promise, agreement or fore the first day of March, assurance, whatsoever it be, of or for any the office or offices, &c., deputation or deputations aforesaid, or any part of any of them had, made, done, concluded or agreed before the first day of *March* next coming, but that the same bargain, sale, gift, grant, nomination, bond, covenant, promise, agreement or assurance had, made, done, concluded or agreed before the said first day of *March*, shall always remain, continue and be in such force, strength and effect, as if this act had never been had or made; any thing before in this act mentioned to the contrary thereof in any wise notwithstanding.

VII. Provided always, and be it enacted by the authority Offices given. aforesaid, That this act, or any thing therein contained, shall by the two chief justices or justices of assise. not in any wise extend or be prejudicial or hurtful to any of the chief justices of the King's courts commonly called the King's bench or common place, or to any of the justices of assise that now be or hereafter shall be, but that they and every of them may do in every behalf, touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of this act; any thing above mentioned to the contrary in any wise notwithstanding.

## CAP. XVII.

A continuance until the end of the next parliament of the statutes of 22 H. 8. c. 7. touching conveying out of this realm of horses and mares; and of 21 H. 8. c. 12. for the true making of cables, &c. and of 23 H. 8. c. 17. for the true winding of wool; and of 24 H. 8. c. 9. against the killing of wainlings, &c. and of 23 H. 8. c. 3. for attainments; and of 33 H. 8. c. 2. concerning buying of fish upon the sea, &c. and of 37 H. 8. c. 23. for setting the price of wines; and of 35 H. 8. c. 17. for the preservation of woods; and of 3 & 4 Ed. 6. c. 17. against unlawful hunting in park, forest, chase, &c. E X P.

## CAP. XVIII.

*An act for the repealing of an act made in the fourth year of King Henry the Seventh, against the bringing in of wine and woad in strangers bottoms.*

4 H. 7. c. 10. repealed by 1 El. c. 13. s. 2. Gascoin or Guyen wines, or Tholouse woad, may be brought into this realm by any other ships as well as English.

**W**HERE in the parliament holden at Westminster the thirteenth day of January in the fourth year of the reign of the famous prince of worthy memory, King Henry the Seventh after the conquest, grandfather to our now most gracious and natural sovereign liege lord, it was amongst other things ordained, established and enacted, That no manner of person, of what degree or condition that he were, should convey or bring into this realm, Ireland, Wales, Calais, or the marches thereof, or Berwick, from the feast of the Nativity of St. John Baptist, that after that was in the year of our Lord God one thousand four hundred and ninety, any manner wines growing of the duchy of Guyen or Gascoin, or woad called Tholouse woad, but such as should be conveyed, adventured and brought in ship or ships, whereof the said late King, or some of his subjects of this realm of England, Ireland, Wales, Calais or Berwick, were owners, possessors and proprietaries, and the master under God, and the mariners of the same ship or ships, English, Irish, Welsh or men of Berwick, or men of Calais, or of the marches of the same, for the more party, upon pain to forfeit the same wines or woad so brought contrary to the said act, as in the said act more at large it doth and may appear:

The reasons of making the statute of 4 H. 7. c. 10. and the contrary events thereof.

II. The which act was supposed to be made for the maintenance of the navy of this realm, and also to the intent, and upon good hope and trust, to have had the same wines and woad at more easy prices than before they had been, the experience whereof hath ever subeince (and now of late most of all) appeared to the contrary, for that the said wines and woads be daily sold at such excessive prices, as hath not before been seen within this realm, and the navy of the realm thereby never the better maintained:

An alteration of the stat. of 4 H. 7. touching bringing into this realm

III. In consideration whereof, be it enacted, ordained and established by the King our sovereign lord, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That from the first day of

February

*February* next coming after the session of this present parliament, unto the first day of *October* then following, and so yearly, and from year to year, beginning at and between the first day of *February* and the first day of *October*, it shall and may be lawful to all and every person or persons being of the parts or countries in amity with our sovereign lord the King, to convey or bring into this realm, *Ireland, Wales, Calais*, or the marches of the same, or *Berwick*, any manner of wines of the growing of the duchy of *Guyen* or *Gascoin*, or of any other part of *France*, or *Tholouse* woad, or any of them, in whatsoever ship or ships, crayer or crayers, boat or boats, or by any other mean, whosoever be or shall be thereof owner, possessor or proprietary, being of the parts or countries in amity of our said sovereign lord, or whosoever be thereof master, mariner or mariners in the same, without any forfeiture or penalty thereof to be had; the said statute, or any thing therein contained, to the contrary in any wise notwithstanding.

## CAP. XIX.

*An act touching the exchange of gold and silver.*

**W**HERE in the parliament holden at Westminster the twenty-fifth year of the reign of King Edward the Third, it was accorded, That it should be lawful for every man to exchange gold for silver, or silver for gold, or for gold and silver, so that no man did hold the same as exchanged, nor take no profit for making of such exchange upon pain of forfeiture of the money so exchanged, except the King's exchangers, which take profit of such exchange according to an ordinance before that time made: (2) which statute notwithstanding, divers covetous persons of their own authorities have of late taken upon them to make exchanges, as well of coined gold as of coined silver, receiving and paying therefore more in value than hath been declared by the King's proclamation to be currant for within this his realm and other his dominions, to the great hindrance of the common wealth of this realm:

II. Be it therefore enacted by the King our sovereign lord, by the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That if any person or persons after the first day of *April* next coming exchange any coined gold, coined silver or money, giving, receiving or paying any more in value, benefit, profit or advantage for it, than the same is or shall be declared by the King's majesty's proclamation to be currant for within this his Highness realm and other his dominions, that then all the said coined gold, silver and money so exchanged, and every part and parcel thereof, shall be forfeit, and the parties so offending shall suffer imprisonment by the space of one whole year, and make fine at the King's pleasure: (2) the one moiety of the said gold, silver or coin so forfeited, to be to the King our sovereign lord, and the other moiety to be to the party that seiseth the same, or will sue for it by bill, plaint, original action of debt, information or otherwise, in any of the

King's courts of record ; in which suit no essoin, protection or wager of law shall lie, be allowed or admitted.

## CAP. XX.

REP.

The statute of 37 H. 8. c. 9. repealed. No person by any means shall lend or forbear any sum of money for any manner of usury or increase to be received or hoped for above the sum lent, upon pain to forfeit the sum lent, and the increase, imprisonment and fine at the King's pleasure.--*Repealed by 13 El. c. 8.*

## CAP. XXI.

REP.

No tinker, pedlar or petty chapman, shall wander about from the town where he dwelleth, or exercise the trade of tinker, but such as shall be licenced by two justices of the peace or more, under their hands and seals, upon pain of fourteen days imprisonment. Repealed by 1 Jac. 1. c. 25.

## CAP. XXII.

*An act for the putting down of gig-mills.*

None shall occupy any gig-mill in the workmanship of woollen cloths.

The penalty for using of a gig-mill in working of woollen cloth.

**F**ORasmuch as true drapery of woollen cloths is to be commended as well in foreign realms as in this realm of England, and all ways and means used to the contrary are to be eschewed and taken away : (2) and forasmuch as in many parts of this realm is newly and lately devised, erected, builded and used certain mills called gig-mills, for the perching and burling of cloth, by reason whereof the true drapery of this realm is wonderfully impaired, and the cloth thereof deceitfully made, by reason of the using of the said gig-mills : (3) for remedy whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no manner of person or persons, after the last day of *May* next coming, shall use or occupy any of the said gig-mills, for the working of any woollen cloth or cloths made or to be made within this realm ; (4) upon pain of forfeiture for every cloth so wrought in or by any of the said mills called gig-mills, v. li. The moiety of all and every such forfeiture and forfeitures, penalty and penalties, to be to the use of our sovereign lord the King and his heirs, and the other moiety to the use of him that shall sue for the same in any of the King's courts, be it by writ, bill, plaint or information, wherein the defendant shall not be admitted to wage his law, nor any protection, essoin or injunction shall be to him allowed.

## CAP. XXIII.

*An act for stuffing of feather-beds, bolsters, mattresses and cushions.*

What stuff shall be put in feather-beds, bolsters, pillows, quilts, mattresses and cushions.

**F**OR the avoiding of the great deceit used and practised in stuffing of feather-beds, bolsters, pillows, mattresses, cushions and quilts ; (2) be it enacted by the authority of this present parliament, That from and after the last day of *June* next coming no person or persons whatsoever shall make (to the intent to sell or offer to be sold any feather-bed, bolster or pillow, except the same be stuffed with

with dry pulled feathers, or clean down only, without mingling of scalded feathers, fen-down, thistle-down, sand, lime, gravel, hair or any other unlawful or corrupt stuff; (3) upon pain of forfeiture of all such feather-beds, bolsters and pillows, and every of them so offered to be sold, or the value thereof.

II. And be it further enacted by the same authority, That from and after the said day no person or persons shall make to the intent to sell, or offer or put to sale, any quilt, mattress or cushions, which shall be stuffed with any other stuff than feathers, wool or flocks alone; (2) upon pain of forfeiture of all and every such quilts, mattresses or cushions so sold, or offered to be sold, or the value thereof;

III. The moiety of all which forfeitures to be to the King our sovereign lord, his heirs and successors, and the other moiety thereof to any such persons as will sue for the same in any of the King's courts of record, or in any other court; wherein no wager of law, essoin or protection shall be allowed for the defendant or defendants. 11 H. 7. c. 19.

## CAP. XXIV.

*An act for making of bats, dornecks and coverlets, in Norwich and in Norfolk.*

WHERE the making of bats, dornecks and coverlets, have of late been begun to be practised within the city of Norwich, in which city there be good and profitable ordinances and constitutions provided and ordained for the preservation and continuance of the good making of the same bats, dornecks, and coverlets, by reason whereof the young and idle people of the said city, to a great number have been and yet be well occupied, maintained, and set on work; (2) and forasmuch as divers evil and covetous disposed persons, exercising the mysteries of making hats, and weaving of coverlets and dornecks, within the said city, and not being brought up or exercised in the said arts or mysteries, to the intent they might occupy and exercise the said mysteries out of the said city of Norwich, where no such ordinances and constitutions be made or provided, have withdrawn themselves from the said city, into certain towns nigh about the same city, where they do and may occupy and exercise the making of hats, weaving of coverlets and dornecks, deceitfully and insufficiently without controlment, to the utter decay as well of the said crafts and mysteries, as of the said city, if remedy be not therein provided:

II. It may therefore be enacted by the King's majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no person by himself, or by his servant or apprentice, shall from and after the feast of St. Michael the archangel next coming make or work any felt or thrummed hats, or weave or make any coverlets or dornecks, or occupy, use or exercise the mysteries or occupations of making of felts or thrummed hats, or weaving of dornecks and coverlets, or any of them, within the said city of Norwich, or within the county of Norfolk, unless he or they that shall so make or work any such felts or hats,

hats, or so occupy the occupation or mystery of making of felts or hats as aforesaid, within the said city or county, be licenced and admitted so to do by the mayor, recorder, steward, and two justices of peace of the said city, or by four of them, or that have been apprentice to the same occupation and mystery of felts and hats making, by the space of seven years : (2) and in like case, unless such person or persons that shall so make or weave dornecks, or so occupy the occupation or mystery of dornecks weaving within the said city or county, be licenced or admitted so to do by the mayor, recorder, steward and two justices of the peace of the said city, or by four of them, or that have been apprentice to the said mystery and occupation of dornecks weaving by the term of seven years ; (3) and unless he or they that shall so make and weave coverlets, or so occupy the arts or mystery of coverlets weaving or making, be licenced and admitted so to do by the mayor, recorder, steward, and two justices of the peace of the said city, or by four of them, or that have been apprentice to the occupation and mystery of coverlets weaving or making, by the space or term of seven years.

Hats, dornecks, coverlets, &c. shall be made only in a corporation or market town.

III. And be it also enacted by the authority aforesaid, That no person or persons shall from henceforth make any felts or hats, or weave or make any dornecks or coverlets as aforesaid, or occupy, exercise or use the occupation, arts or mysteries of making of hats or felts, or weaving or making of dornecks or coverlets, or any of them as aforesaid, in any place out of the said city of *Norwich*, within the said county of *Norfolk*, but only in a corporate or market town ; (2) upon pain of forfeiting as well of the felts, hats, dornecks and coverlets, and every of them, which shall be made, wrought or woven contrary to the form, effect, and tenor of this act, or of any part or clause thereof, as also x.s. for every half dozen of the said felts or hats, and of iij.s. iv.d. for every coverlet, and of vj.s. viij.d. for every six yards of dorneck so as is aforesaid to be made, woven or wrought contrary to this act ; (3) the one half of which forfeitures to be to the King our sovereign lord, his heirs and successors, and the other half thereof to the person or persons that shall or will seise the same, or that will or shall sue for the same, or for any part thereof, in the King's court of the *Guildhall* within the said city of *Norwich*, or in any other of the King's courts of record within this realm of *England*, by action of debt, detinue, plaint, bill, information, or otherwise ; in which said action or actions, suit, bill, plaint, or information, no essoin, wager of law, protection or foreign plea to the jurisdiction of the court, shall be admitted or allowed.

The inhabitants of Pulham in Norfolk.

IV. Provided alway, That all and every such person and persons, as do now dwell or hereafter shall dwell and exercise the mystery of dornecks and coverlets making within the town of *Pulham* in the said county of *Norfolk*, shall and may occupy and exercise the making of dornecks and coverlets within the said town of *Pulham*, as they have heretofore used to do ; any thing in this act contained to the contrary notwithstanding.

V. And

V. And be it further enacted by the authority aforesaid, That if the mayor, recorder, steward, or justices of peace of the said city for the time being, or any of them, shall take any sum of money or reward for admitting of any person to occupy or use any of the arts or mysteries aforesaid, that for every such time, and every such case, the person so offending shall lose and forfeit five pounds, the one half of which forfeiture to be to our sovereign lord the King, and the other half to him or them that shall sue for the same as is aforesaid.

The penalty for an officer to take money for admitting one to occupy.

## C A P. XXV.

*For keepers of alehouses and tiplinghouses to be bound by recognisance.*

**F**Orasmuch as intolerable hurts and troubles to the common wealth of this realm doth daily grow and increase through such abuses and disorders as are had and used in common alehouses and other houses called tiplinghouses: (2) It is therefore enacted by the King our sovereign lord, with the assent of the lords and commons in this present parliament assembled, and by the authority of the same, That the justices of peace within every shire, city, borough, town-corporate, franchise or liberty within this realm, or two of them at the least, (whereof one of them to be of the *quorum*) shall have full power and authority by virtue of this act, within every shire, city, borough, town-corporate, franchise and liberty, where they be justices of peace, to remove, discharge and put away common selling of ale and beer in the said common alehouses and tiplinghouses, in such town or towns and places, where they shall think meet and convenient: (3) and that none after the first day of May next coming shall be admitted or suffered to keep any common alehouse or tiplinghouse, but such as shall be thereunto admitted and allowed in the open sessions of the peace, or else by two justices of the peace, whereof the one to be of the *quorum*; (4) and that the said justices of the peace, or two of them, (whereof the one to be of the *quorum*) shall take bond and surety from time to time by recognisance of such as shall be admitted and allowed hereafter to keep any common alehouse or tiplinghouse as well, for and against the using of unlawful games, as also for the using and maintenance of good order and rule to be had and used within the same, as by their discretion shall be thought necessary and convenient; (5) for making of every which recognisance, the party or parties that shall be so bound shall pay but twelve pence.

Enforced by  
1 Jac. 1. c. 9.  
None shall sell  
ale or beer  
without li-  
cense, and  
they shall be  
bound by re-  
cognisance.  
1 Show. 398.

Justices of  
peace may  
discharge  
common sel-  
ling of ale and  
beer.

1 Bulst. 109.  
4 Mod. 144.

Recognisance  
with surety by  
those which  
do keep ale-  
houses.

xij. d. for ma-  
king the re-  
cognisance.

II. And the said justices shall certify the same recognisance at the next quarter-sessions of the peace to be holden within the same shire, city, borough, town-corporate, franchise or liberty, where such alehouse or tiplinghouse shall be; (2) the same recognisance there to remain of record before the justices of peace of that shire, city, borough, town-corporate, franchise or liberty; (3) upon pain of forfeiture to the King for every such recognisance taken and not certified, iij. li. vi. s. viii. d.

Recognisance  
must be cer-  
tified at the  
next quarter-  
sessions,

Inquiry of  
those which  
have forfeited  
their recogni-  
sance.

III. And it is further enacted by the authority aforesaid, That the justices of peace of every shire, city, borough, town-corporate, franchise and liberty, where such recognisance shall be taken, shall have power and authority by this act, in their quarter-sessions of the peace, by presentment, information, or otherwise by their discretion, to enquire of all such persons as shall be admitted and allowed to keep any alehouse or tiplinghouse, and that be bound by recognisance as is abovesaid, if they or any of them have done any act or acts whereby they or any of them have forfeited the same recognisance: (2) and the said justices of every shire, and places where they be justices, shall upon every such presentment or information award process against every such person so presented or complained upon before them, to shew why he should not forfeit his recognisance; (3) and shall have full power and authority by this act to hear and to determine the same by all such ways and means as by their discretion shall be thought good.

The punish-  
ment of those  
which contra-  
ry to the com-  
mandment of  
the justices do  
keep ale-  
houses.  
Altered by  
3 Car. 1. c. 3.  
f. 2.  
Palmer, 388.  
1 Salk. 45.

IV. And it is further enacted by the authority aforesaid, That if any person or persons, other than such as shall be hereafter admitted or allowed by the said justices, shall after the said first day of May obstinately and upon his own authority, take upon him or them to keep a common alehouse or tiplinghouse, or shall contrary to the commandment of the said justices, or two of them, use commonly selling of ale and beer: That then the said justices of peace, or two of them (whereof one to be of the *quorum*) shall for every such offence commit every such person or persons so offending to the common gaol within the said shire, city, borough, town-corporate, franchise or liberty, there to remain without bail or mainprise by the space of three days; (2) and before his or their deliverance, the said justices shall take recognisance for him or them so committed, with two sureties, that he or they shall not keep any common alehouse, tiplinghouse, or use commonly selling of ale or beer as by the discretion of the said justices shall seem convenient.

Certificate of  
the recogni-  
sance and of-  
fence at the  
quarter-ses-  
sions.

The fine of  
those which  
keep alehouse  
without li-  
cence.

A proviso for  
towns where  
fairs be kept.

V. And the said justices shall make certificate of every such recognisance and offence at the next quarter-sessions that shall be holden within the same shire, city, borough, town-corporate, franchise or liberty, where the same shall be committed or done; (2) which certificate shall be a sufficient conviction in the law of the same offence, (3) And the said justices of peace, upon the said certificate made, shall in open sessions assess the fine for every such offence at xx. s.

VI. Provided alway, That in such towns and places where any fair or fairs shall be kept, that for the time only of the same fair or fairs it shall be lawful for every person and persons to use common selling of ale or beer in booths or other places there, for the relief of the King's subjects that shall repair to the same, in such like manner and sort as hath been used or done in time passed; this act, or any thing therein contained to the contrary notwithstanding. 11 H. 7. c. 2. 4 Jac. 1. c. 4.

## CAP. XXVI.

*An act for writs of proclamation upon Exigend, to be current, in the county palatine of Lancaster.*

**W**HERE the county of Lancaster is, and of long time hath been, one ancient county palatine of itself, in which county the King's writ hath not, nor yet doth not run, so that the writ of proclamation awarded upon any Exigend against person or persons inhabiting within the same county, in any action wherein process of outlawry doth lie, according to the statute made in the sixth year of the reign of our late sovereign lord of famous memory, King Henry the Eighth, cannot be directed to the sheriff of the said county palatine, but unto the sheriff of the county next adjoining unto the said county palatine, so that the party dwelling within the said county palatine, against whom any such Exigend and proclamation hath been or shall be awarded, hath not had, nor hereafter can have, any knowledge of the same suit or process, by reason whereof many persons inhabiting within the said county palatine, without knowledge have been outlawed, and hereafter be in like manner like to be outlawed, to their utter undoing, if some speedy remedy be not the sooner provided:

II. Be it therefore, and for divers other good considerations, enacted, ordained and established by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if and whensoever any writ of *Exigend*, at any time after the first day of April next coming, shall be awarded at the suit of the King, his heirs or successors Kings of this realm, or at the suit or suits of any other person or persons, plaintiff or plaintiffs, in any action or suit in any of the courts of our said sovereign lord the King, his heirs and successors Kings of this realm, commonly called the *King's Bench* and the *Common Place*, against any person or persons dwelling within the said county palatine; That then immediately upon the awarding of every such *Exigend*, the justice or justices before whom any such writ of *Exigend* upon such suit or action shall be sued, shall have full power and authority by virtue of this act, to award one writ of proclamation (according to the tenor and effect of writs of proclamation awarded upon *Exigends*, and commonly directed out of any of the said courts into *London*, or into any other shires of this realm, against any person or persons dwelling in other shire or shires of this realm where the King's writs do run, according to the order and form of the said statute made in the sixth year of the reign of the said late King) to be directed to the sheriff of the said county palatine of *Lancaster*, where it shall happen the said defendant, against whom any such action shall be sued as is aforesaid, to be dwelling, and not to the sheriff of any other shire next adjoining to the said county palatine; any law, custom or usage heretofore used to the contrary notwithstanding: (2) and that every such writ of proclamation so to be hereafter awarded to the sheriff of the said county palatine, shall have the same *Teste* and day of return as the *Exigends*, whereupon every such writ of proclamation shall be awarded, shall have,

III. And

The sheriff of the county of Lancaster shall make proclamation according to the tenor of his writ.

III. And that every such sheriff of the said county palatine of *Lancaster*, to whom any such writ or writs of proclamation shall be directed, shall make proclamations of the said writ and writs of proclamation according to the tenor of the same, and shall make true returns of the same, in such court and courts, and before such justices, as the tenor of the same writ and writs of proclamation shall require and demand: (2) and that all outlawries hereafter to be promulged or pronounced against any person or persons, upon any such *Exigent* or *Exigends* awarded against any person and persons dwelling in the said county palatine of *Lancaster*, and no writ of proclamations awarded in form abovesaid to the sheriff of the said county palatine of *Lancaster*, where the party defendant shall be as is aforesaid dwelling, or not returned, to be clearly void of none effect nor force in the law.

The sheriff of Lancaster shall have a deputy in the King's bench, and another in the common pleas.

IV. And be it further enacted by the authority aforesaid, That every sheriff of the said county palatine for the time being shall have in every of the said courts of the King's bench and of the common place, one sufficient deputy at the least, to receive all such writs of proclamations which shall be hereafter directed to every such sheriff of the said county palatine, for whom the same deputy or deputies shall be appointed, in like manner and form, and upon like pains, as by the former statutes and laws of this realm other sheriffs of other shires or counties within this realm of *England* be bounden to have in either of the said courts: (2) and that all such writs of proclamations aforesaid shall be delivered unto every such deputy or deputies of record in the same courts, and either of them; (3) and also like fees shall be paid for making every such writ of proclamations, and for enrolling the same of record, as is limited in the same statute made in the said sixth year of our said late sovereign lord King *Henry* the Eighth.

6 H. 8. c. 4-

The sheriffs forfeiture for not returning of a proclamation.

V. Be it further enacted and established by the authority aforesaid, That if any such writ or writs of proclamations hereafter to be directed to any sheriff of the said county palatine of *Lancaster*, be delivered unto any of the sheriffs of the said county palatine for the time being, or to his or their deputy or deputies, in manner and form aforesaid, and the same sheriff or sheriffs do not make true return of every such writ and writs of proclamations into such court and courts out of which the said writ or writs of proclamations shall be awarded, that for every such default of non-return, every such sheriff for the time being shall lose and forfeit five pounds; the one half whereof shall be to our sovereign lord the King, his heirs and successors, and the other half thereof to any such person or persons as will sue for the same in one action of debt to be grounded upon this act; in any of the King's courts of record, wherein no essoin, protection or wager of law shall be allowed or admitted.

This statute shall not prejudice the liberties of the

VI. Provided always, That this act, or any thing therein contained, shall not in any wise extend or be prejudicial to the said county palatine of *Lancaster* for or concerning such liberties, franchises or privileges as belong to the same, or to any ministers or officers

officers of the same county palatine, otherwise or in any other county of Lancaster, in any manner than by the true meaning of this act is before provided and declared; any thing in this act mentioned to the contrary notwithstanding.

VII. Provided also, and be it further enacted and established by the authority aforesaid, That if any person or persons dwelling within the said county palatine, after the aforesaid first day of April, shall be outlawed in any such suit or action as is aforesaid, that then all writs of special *Capias utlagatum*; single *Capias utlagatum*, *Non molestandum*, and all other process, for or against any person or persons so outlawed, shall and may from thenceforth be directed from time to time to the chancellor of the duchy of Lancaster, who shall make like writs and process thereupon, and of like effect, sealed with the seal of the said county palatine of Lancaster, to be directed to the sheriff of the said county palatine for the time being, as heretofore hath been used and accustomed in such cases. 1 Ed. 6. c. 10.

### Anno septimo Edwardi Sexti.

**A**CTS made in the parliament, bolden at Westminster the first day of March in the seventh year of the reign of our most redoubted sovereign lord Edward the Sixth, by the grace of God, King of England, France, and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, and there continued to the dissolution of the same, being the last day of the said month of March, as followeth:

#### CAP. I.

*An act for the true answering of the King's majesty's revenues.*

**F**ORASMUCH as the King's majesty's treasurers, and general and particular receivers and bailiffs of his honours, castles, lordships, manors, lands and tenements, reversions, possessions and other his hereditaments in England, Wales and Calice, and the marches of the same, or elsewhere within the King's dominions, have not so justly, speedily, neither duly made yearly payments of such sum and sums of money as hath been by them and every of them received of the King's majesty's revenues, possessions and profits, into the King's majesty's treasury according to their duties, but yearly do detain and keep the same to their own gain, profit and lucre, contrary to all right, truth and equity, and to the manifest injury, wrong and hindrance of and to the King our sovereign lord:

II. Be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every treasurer and general and particular receiver, collector and bailiff, and other minister accomptant, which now is charged or chargeable

Process awarded against any person outlawed, dwelling in the said county palatine.

Certain officers accomptable to the King shall be bound with sureties for their true accompt and payment.

Every officer that now is accomptant to the King shall be bound for his true

account and  
payment.

able with or for the receipt of any of the King's majesty's money, rents or revenues whatsoever, not being bound with surety or sureties by obligation, recognisance or otherwise, to our late sovereign lord the King, or to our sovereign lord the King that now is, for or concerning their office or offices before the xx. day of *December* next coming, or at any time or times before the same xx. day of *December*, if they or any of them be reasonably required, shall upon pain of forfeiture of his office be bound to the King's majesty by sufficient writing obligatory in reasonable sum or sums of money: (2) The same writing obligatory to be made with or upon condition, that the person which shall be so bounden, his heirs, executors, administrators, deputy or deputies, or one of them, from time to time shall yield a perfect and true account of all sums of money, and other things that the same treasurer and general and particular receiver, collector, bailiff or other minister accomptant, shall, may, or reasonably might be charged with, concerning or by reason of his or their office or offices: (3) and also shall make payments of the same sums of money at such days and times, and in such manner and form, as hereafter in this act is expressed and declared.

Every officer  
to the King  
accountant  
hereafter to  
be named  
shall be bound  
with sureties  
for his true  
account and  
payment.

III. And be it further enacted, That all and every person and persons hereafter to be named, assigned or appointed to be treasurer or general or particular receiver, collector or bailiff, or minister accomptant of our said sovereign lord the King, shall before any their entry, executing, using or exercising of his or their office or offices whereunto he or they shall be so nominated or appointed, together with surety or sureties, acknowledge and make sufficient and lawful bond or bonds to the King's majesty, in such court of record where the same officer or officers is or shall be accomptable and chargeable, that they, their heirs, executors, administrators, assigns or deputies, shall truly account and pay all such sums of money as shall come to their hands, or shall, may, or reasonably might be charged with concerning his or their office or offices to the King's use, within the circuits of their several receipts and collections, at such or like days and times, and in such manner and form as is above said, to be contained in the conditions of every of the said bonds, upon pain of loss and forfeiture of his or their office or offices, and of his and their letters patents of the same office or offices.

Receivers  
precepts unto  
accountants to  
make payment  
of their col-  
lections due  
to the King  
at Easter.

IV. Be it further enacted by the authority aforesaid, That every receiver of the King's majesty's honours, manors, lands, possessions, rents and revenues for the time being, or his deputy or deputies, shall yearly make his several precepts to all and singular the collectors, ministers and bailiffs accomptant within the circuit of his office, charging and commanding them on the King's majesty's behalf, by the same precept to appear before them personally, or by their sufficient deputy or deputies, for whom they will answer, within the county where the same offices, bailiwicks, receipts or collections do lie, at a certain day and place in the same precept to be limited, and to pay to the King's majesty's

jeſty's uſe ſuch ſums of money as they ought to do by reaſon of any of their ſaid offices, being due to our ſaid ſovereign lord the King, at or before the feaſt of *Eaſter*, which they have or may by any lawful or due mean levy or receive within or by reaſon of their ſaid offices or collections: (2) and that the ſame precepts ſhall be ſeverally delivered to every of the ſaid officers, miniſters and bailiffs accomptant, or to their deputy or deputies, or elſe be left at their dwelling-houſes, or at the manor, lordſhip or place where their receipt or collection is or ought to be, twelve days at the leaſt before the day of appearance to them given and prefixed in the ſame precept or precepts.

V. And if any of the ſaid miniſters, collectors or bailiffs accomptant, upon or after any ſuch precept or precepts at any time hereafter made by any ſuch receiver, and being delivered and left in form aforeſaid, do make default at the ſame day and place aſſigned and appointed in and by the ſaid precept or precepts, that then the ſame collector, miniſter or bailiff accomptant ſo making default, and not appearing as is aforeſaid, and being thereof duly and lawfully convicted in the court where the revenue is or ſhall be answered, ſhall for the firſt offence loſe and forfeit to the King our ſovereign lord his whole fee for that year wherein he ſhall ſo make default, or the value thereof; (2) and for non-payment of the ſaid money due and payable at or before the ſaid feaſt of *Eaſter* unto our ſaid ſovereign lord the King, within or by reaſon of his ſaid office, collection or bailiwick, ſhall loſe and forfeit for the firſt offence of non-payment vi. d. of the pound, in the name of a pain, for every month after the ſaid day of appearance, until the ſame money ſhall be by him or his deputy paid to the hands of the ſaid receiver, to the King's majeſty's uſe.

The penalty where an accomptant maketh default of appearance or payment.

VI. And after the firſt default of appearance made by any of the ſaid officers, and another like precept by the ſaid receiver be made and delivered or left in form aforeſaid, then the ſaid officer or officers making again default, and being thereof lawfully convicted as is aforeſaid, for the ſecond default and offence for non-appearance ſhall loſe and forfeit to the King our ſovereign lord his office and fee: (2) and for the ſaid ſecond offence in the non-payment of the ſaid money due and payable within and by reaſon of his office, collection or bailiwick, at or before the ſaid feaſt of *Eaſter*, ſhall loſe and forfeit xii. d. of every pound, in the name of a pain, for every month after the ſaid laſt day of appearance and default made as is aforeſaid, until the ſame money ſhall be by him or his deputy paid to the hands of the ſaid receiver, to the uſe of our ſovereign lord the King.

The penalty for the ſecond offence.

VII. And further be it enacted by the authority aforeſaid, That all and every auditor and auditors of our ſaid ſovereign lord the King, of his Majeſty's honours, manors, lands, poſſeſſions, rents and revenues, for the time being, or his or their ſufficient deputy or deputies, ſhall have full power and authority by virtue of this act yearly to make their precept or pre-

The auditors precepts to accomptants to make payment of their collections due at Michaelmas.

cepts,

The penalty  
where an ac-  
comptant maketh default  
of appearance  
or payment.

cepts, to all ministers, collectors and bailiffs accomptant, commanding them on the behalf of our said sovereign lord the King to appear and accompt before him or them personally, or else by their sufficient deputy or deputies, at a place certain within the county where the same lands and possessions do lie, at the King's majesty's audit, to be holden there yearly between the feast of St. *Michael* the archangel and the nativity of our Lord God, of and for all rents, revenues and profits due and payable within or by reason of their said offices, collections or bailiwicks, at or before the feast of St. *Michael* the archangel next before the same audit, expressing in the same precept or precepts the time and place when and where the same ministers, collectors and bailiffs accomptable, or their sufficient deputy or deputies, for whom they will answer, shall appear: (2) the same precepts to be delivered to the same ministers, collectors, bailiffs accomptant, or their deputy or deputies, or left at their dwelling-houses, or at the manor, lordship or place, where the receipts or collections is or ought to be, twelve days at the least before the day of appearance to him or them prefixed in the same precept or precepts. (3) And if any minister, collector or bailiff accomptant do not appear before the said audit, according to the said precept; or else if he do appear and refuse to accompt for his said receipt, collection or bailiwick, before the said auditor or auditors, or his or their deputy or deputies; that then the said minister, collector or bailiff accomptant so making default and not appearing, or so refusing to accompt as is aforesaid, and being thereof duly and lawfully convicted in the court where the revenue is or shall be answerable, shall for his first offence lose and forfeit to our sovereign lord the King, his whole fee for that year wherein he shall so make default, or the value thereof: (4) and for the non-payment of the said money due and payable within his collection, office or bailiwick, at or before the same feast of St. *Michael* the archangel, shall lose and forfeit to the King our sovereign lord, for his said first offence, six pence of every pound in the name of a pain, for every month after the said day of appearance and default made as is aforesaid, until he or his sufficient deputy or deputies shall accompt before the said auditor or auditors, or his or their deputy or deputies, for his said collection, receipt or bailiwick, and also pay into the hands of the said receiver or receivers, all and every of such sum and sums of money as shall be found justly due by the said accomptant, before the said auditor or auditors, or his or their deputy or deputies, to the King's majesty, upon the foot and determination of his accompt: (5) and after the first default of appearance made before the said auditor or auditors, or his or their deputy or deputies, by any of the said officers accomptant, being so warned as is aforesaid, and after another like precept made and delivered or left in form aforesaid, That then the said officer or officers that so shall make again default of appearance, for the said

saïd second offence in making default in his appearance as is aforesaïd, and being thereof duly and lawfully convicted in the court where the revenue of his saïd office is or shall be answerable, shall lose and forfeit to the King our sovereign lord his saïd office and fee.

VIII. And for the second offence in non-payment of the saïd money due and payable with and by reason of his receipt, collection or bailiwick, at or before the saïd feast of *St. Michael* the archangel, shall lose and forfeit to our sovereign the King, xij. d. of every pound in the name of a pain, for every month after the saïd last day of appearance and default made as is aforesaïd, until he or his sufficient deputy or deputies shall accompt before the saïd auditor or auditors, or his or their deputy or deputies, for the saïd receipt, collection or bailiwick, and also pay unto the hands of the saïd receiver or receivers, or his or their deputy or deputies, to the King's use, all such sums of money as shall be justly found due by the saïd accomptant, upon the foot and determination of his saïd accompt.

The penalty for the second offence.

IX. And further be it enacted by authority aforesaïd, That all and every receiver and receivers of the King's majesty's honours, manors, lands, possessions, rents or revenues, shall make ready and full payment yearly to the treasurer or general receiver of the court where the saïd revenue is or shall be answerable, or otherwise as he or they are or shall be appointed and assigned by sufficient warrant, of all such sums of money as he or they shall know to be due to our sovereign lord the King, and can by any lawful or due mean obtain, get, have or receive, of the rents or revenues of our saïd sovereign lord the King, with or by reason of their offices, being due at or before the feast of *Easter*, by the xx. day of *June* then next following at the furthest: (2) and also shall make like payment yearly of all their like receipts of the rents and revenues of our saïd sovereign lord the King that shall be due at or before the feast of *St. Michael* the archangel, by the xx. day of *January* then next following at the furthest, upon pain of loss and forfeiture for every default at any of the saïd days, ij. d. of every pound, for every day that the saïd money so by them or any of them shall be unpaid.

Within what times the King's receivers shall make payment of the money by them received.

X. And also it is further enacted, That all and every the saïd receiver and receivers, or their deputy or deputies for whom they will answer, shall enter into their accompt yearly in the term of *St. Hilary*, and fully and clearly finish the same accompt before the tenth day of *March* then next following, and make full and ready payment of the money that shall appear to be due upon the foot and determination of the same accompt, before the xx day of the saïd month of *March*, upon pain of forfeiture to our saïd sovereign lord the King, their offices and fees, and iv. d. of the pound for every day that they shall detain and with-hold the same money, without making any payment thereof as is aforesaïd.

When the King's receivers shall accompt.

XI. And

The King's receivers, bailiffs, &c. may distrain for the arrearages of rent.

XI. And further be it enacted by the authority aforesaid, That all and every receivers, collectors and bailiffs of any of the King's honours, manors, lands, tenements, rents or revenues, for lack of payment and levying of their said rents, issues and revenues within their offices and charges, shall and may have power and authority from henceforth by virtue of this act to distrain for the same, and to use and order the same distresses in such sort and form as any officer or officers of the King's court of the exchequer, for levying and lack of payment of the King's rents and revenues answerable in the same court heretofore have lawfully done, and may lawfully use to do, delivering to the party distrained the surplussage and overplus of the value of every such distress, if any shall be, the King's debts and duties being first paid, and the distrainant answered of reasonable costs.

Amercing of sheriffs for not returning of writs touching the levying of the King's rents, &c.

XII. And that the head and chief officer or officers of every of the King's courts of revenue, being of record, or that shall be of record, shall have full power and authority by virtue of this act, to set and assess reasonable fines and amerciaments upon any sheriff or sheriffs, for not returning, or misreturning, of any writ to them directed and delivered out of any of the same courts, touching or concerning the levying or answering of any of the said issues, rents or revenues, or of any debt due to our said sovereign lord the King, in such sort, and after such manner and form as now is, or heretofore hath been lawfully used in the like and such other cases, in the King's highness court of the exchequer.

These accountants upon warning shall account and make ready payment.

XIII. Be it also further enacted by the authority aforesaid, That all treasurers and chamberlains, and general receivers of any of the King's grace's courts of revenue for the time being, and all customers and collectors of customs, or certain or stalled subsidies within any port haven or creek of this the King's realm of *England*, that now be or hereafter shall be, within ten days next after notice to him or them given from the King, or six of his most honourable privy council, in writing signed with their hands, shall by themselves, or their sufficient deputy or deputies for whom they will answer, declare in writing what sums of money, then being due unto our said sovereign lord the King, be at that time in his or their hands and custody, (2) and shall make ready and full payment of all the said sums of money as then shall remain in his or their hands or custody, over and above the ordinary payments and sums of money contained and expressed in sufficient warrant or warrants resting or remaining in his or their office or offices, and being in their full force, strength and effect, and not lawfully countermanded nor revoked to their knowledge, to the use of our sovereign lord the King, at such time and in such sort as he or they shall be commanded and appointed by sufficient warrant, upon pain of forfeiture of his or their office or offices.

Within what time these accountants

XIV. And be it further enacted by the authority aforesaid, That the same treasurers, chamberlains and general receivers, by

by themselves, or by their deputy or deputies for whom they will answer, shall yearly before the xx. day of *June* make a perfect accompt of all such money or treasure as hath come to their hands to the King's use, yearly, at or before the xx. day of *March* then next before the said xx. day of *June*, and shall make a perfect and whole declaration in writing of the money remaining in every of their hands, to the King's majesty, or to his privy council, yearly, before the last day of *June* then next following, and make payment of the same at such time and in such sort as he or they shall be commanded or appointed by sufficient warrant, upon pain of forfeiture of his or their office or offices.

shall yearly  
accompt.

XV. And be it further enacted, That if any treasurer, receiver or minister accomptant, or their deputy or deputies, do take or receive of any person or persons any sum or sums of money, or other profit of and for the payment of any fees, annuities, pensions, duties or warrants, more or otherwise than he or they may lawfully do by former laws and statutes therein provided; that then the said treasurer, receiver and minister so offending, shall forfeit and lose for every peny or penyworth so to be taken or received, vj. s. viij. d. to the party grieved, to be recovered in any of the King's courts of record, by bill, plaint or action of debt, in which suit no wager of law, essoin or protection shall be allowed.

The penalty  
of an accomp-  
tant taking  
more than his  
due for the  
payment of  
any pension.

XVI. And be it also enacted, That if any auditor or auditors, or his or their deputy or deputies, which ought to take the accompt of any treasurer, chamberlain, receiver or other officer accountable before him or them, do refuse or willingly protract and delay the taking of the same accompt, in such wise as it cannot be finished within the time or times limited and appointed by this act for the taking and finishing thereof, that then every auditor so refusing or protracting and delaying, as is aforesaid, and being thereof duly and lawfully convicted in the court where the revenue or charge of the same accompt is or shall be answerable to the King, shall incur, forfeit and lose such like pain, loss and forfeiture, as the treasurer, chamberlain, receiver or other officer aforesaid, shall and ought to do by this act, for not accounting of, and for their charges and office and offices: (2) and thereby the same treasurer, chamberlain, receiver and other officer that should accompt, and shall be refused, or shall be protracted and delayed as is aforesaid, shall be discharged of any pain, loss or forfeiture, for not accounting as is aforesaid.

The penalty  
if the auditors  
refuse or delay  
to take an  
accompt.

XVII. And be it further enacted, That the duplicate or copy of every accompt that shall be made by any treasurer or receiver, or by their deputy or deputies, in form aforesaid, within convenient time after the finishing of the same accompt, and at the reasonable request and costs of such accomptant, shall be delivered to them or any of them, subscribed with the hands of the auditor or auditors that shall take the same accompt, or of his or their deputy or deputies for whom he or they will answer, upon

The copy of  
the accompt  
shall be de-  
livered to the  
accomptant.

Bishops account and payment of tenths.

pain that the same auditor or auditors shall lose and forfeit to the King's majesty ten pound for every such default.

XVIII. Provided always, and be it enacted by the authority aforesaid, That this act nor any thing therein contained shall in any wise extend to charge any archbishops or bishops of this realm, or of any other the King's majesty's dominions, or any of them, at any time hereafter to make any manner of bonds, or to make their account and payment of the tenths arising and growing within any of their diocesses, due or to be due to our said sovereign lord the King, otherwise or in any other manner and form than they or any of them heretofore have been charged, or accountable and chargeable by the laws and statutes of this realm; any thing in this act to the contrary notwithstanding.

The revenues of Calais.

XIX. Provided always, That this act, or any thing therein contained, shall not extend to cause the rents, profits and revenues, rising and growing to the King's majesty within the town or marches of *Calais*, to be answered or paid otherwise, or at any other days or times, than heretofore hath been used and accustomed; any thing in this act to the contrary notwithstanding.

Which officers shall not be chargeable by this statute.

XX. Provided always, and be it enacted by the authority aforesaid, That this act, nor any thing therein contained, shall in any wise extend to touch or charge any sheriff, escheator or collector of any *dismes*, *quindismes*, benevolences, contributions or subsidies, (subsidies of tonnage and poundage only except) but that they and every of them shall and may do and exercise their said several offices, and pay such sums of money as they or any of them be, or hereafter shall be, charged withal by their said several offices, in such and like sort, manner and form, as they and every of them have usually done, or should or ought to do, if this act had never been had or made; this act or any thing therein contained to the contrary in any wise notwithstanding.

## C A P. II.

*An act for the establishing, uniting or dissolving of certain courts newly erected by the King that dead is.*

The King's power to dissolve or unite certain courts erected by the late King.

27 H. 8. c. 27.

32 H. 8. c. 45.

46.

33 H. 8. c. 39.

WHERE in the xxvij. year of the late King of famous memory, King Henry the Eighth, father to the King's majesty that now is, there was ordained, made, established and enacted by the authority of parliament, a certain court, commonly called the Court of the augmentations of the revenues of the King's crown: (2) and where also in the xxxij. year of the said late King, there was made and erected by authority of parliament two several courts, the one commonly called the Court of the first-fruits and tenths, and the other the Court of the King's wards: (3) and where also in the xxxiiij. year of the said late King there was made, established and erected, by authority of parliament, one court commonly called the Court of the general surveyors of the King's lands: (4) and where there is one other court commonly called the Court of the duchy of Lancaster.

II. After

II. After which said several courts so erected as is aforesaid, the said late King did repeal and dissolve, extinguish and determine, as well the said court of augmentation of the revenues of the King's crown, as also the said court of general surveyors of the King's lands, (2) and the officers of the said late courts of the augmentations of the King's crown, and general surveyors of the King's lands, did surrender their patents and offices into the said late King's hands;

The courts of augmentations and general surveyors were dissolved.

III. And after the said late King did by his letters patents erect another court called the court of augmentation and revenues of the King's crown, and did by the same his letters patents constitute and appoint divers officers and ministers for the supplying thereof, as by the same letters patents more plainly and at large it may and doth appear:

A second court of augmentations erected.

The dissolution of the first court of augmentation by letters patents only, doubted. The King's letters patents for the erection of the second court of augmentations shall be good. The King may by his letters patents alter, change or dissolve any of the courts aforesaid, and erect any new. No orders in the patent for the levying of the King's debts shall be prejudicial to any. The officers of these courts shall hear and determine causes only where the King is a party. A saving of all mens offices in certain cases. A saving of the annuities, fees, pensions, &c. of others. 1 Mar. Stat. 2. c. 10. 1 Eliz. c. 4.

### CAP. III.

An act for the confirmation of letters patents, notwithstanding the misnaming of any thing contained in the same. Confirmation of certain letters patents of bargain and sale made by King H. 8. since the 4th of February, anno 27 of his reign, and by K. Ed. 6. since the 28th of January, anno 1 of his reign, notwithstanding his minority. A bill shall be signed and sealed by the patentee of those lands which the King shall after grant to him by his bill signed. By what means the king shall be satisfied for the overplus of lands by him sold exchanged or given. A confirmation of patents, notwithstanding misnaming, mishearsal, or other default made by King Ed. 6. Several inconveniencies ensuing to the King's patentees by the statute of 34 H. 8. c. 21. and 1 Ed. 6. c. 8. A confirmation of the letters patents of King H. 8. and King Ed. 6. made and to be made during his life. A mean to satisfy the King of the overplus of the lands sold, exchanged or given by him to others. Leases of lands parcel of the duchy of Lancaster, made in reversion, or whereof the old rent is not reserved. What letters patents only this statute doth extend unto. A confirmation of the King's letters patents, notwithstanding his non-age, or any statute made for tenures, rents or tenths.

34 H. 8. c. 21.  
35 H. 8. c. 14.  
37 H. 8. c. 20.  
1 Ed. 6. c. 8.

### CAP. IV.

An act that all patentees of collectorships of tenths be bound by recognisance.

WHERE the archbishops and bishops of this realm of England, Patentees of are bound to the King's majesty for the collecting and true collectorships payment of the dimes or tenths due to his Highness, for all and of tenths shall singular benefices and other ecclesiastical promotions whatsoever, being be bound for their collection within their several dioceses: For the collection whereof, divers of

*the predecessors of the said archbishops and bishops have by their letters patents (confirmed with the chapter seal) given and granted to sundry persons, without provision of sufficient bonds for the true collection and payment of the said tithes or tenths to our sovereign lord, or otherwise to discharge the grantors of the said patents, and their successors, whereby the King's majesty hath been greatly defrauded of his said duties, and many of the bishops sore troubled, to their great hindrance and utter undoing:*

24 El. c. 7.  
Altered as to  
collectors of  
the rents by  
3 G. 1. c. 10.

II. Be it therefore enacted by our sovereign lord the King, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all collectors of the said tenths, under any archbishop or bishop within this realm of *England*, or other the King's dominions, having letters patents, or other writings of their said office of collectorship of the said tenths, shall before the feast of the Nativity of *St. John Baptist* next coming be bound by their sufficient writing obligatory or recognisance, in the court of the first-fruits and tenths, or in any other court where the King's revenues of the tenth shall be answerable, in such sum or sums of money as shall be due and growing yearly to our sovereign lord the King within their said collection or office, to save and keep the said archbishops or bishops and every of them harmless, and without hurt or damage, against the King's majesty, his heirs and successors, of and for all manner of accounts and payments of money, which they or any of them shall or may conveniently receive during the time of their several collections, and that may be lawfully demanded or required of the said archbishops or bishops or any of them for or concerning the said tenths, by reason of the statute of the first-fruits and tenths, or else their said letters patents and other writings to be utterly void and of none effect.

The tenths  
shall be paid  
the last day of  
May.

III. And for that the parsons, vicars and curates within this realm, for the most part be not able to pay their tenths before that they shall have received the profits of their benefices, which yearly groweth and reneweth to them at the feast of *Easter*, which feast in many years falleth after the first day of *April*, which said first day of *April* is now the day that is stalled and appointed to the said archbishops and bishops, to make payment to the King's majesty of the said tenths: (2) Be it therefore enacted by the authority aforesaid, That the said archbishops and bishops, and every of them, shall from henceforth make yearly payment of the said tenths unto our said sovereign lord, his heirs and successors, in the court of the first-fruits and tenths, or else where it shall please the King's majesty to appoint the payment of the same, before or at the last day of *May* and not otherwise: (3) and that the certificate of recusants made by any of the said archbishops or bishops, or any of them, before or at the said last day of *May* yearly, shall be as good and effectual in the law, to all intents, constructions and purposes, as though it had been made at the days and times heretofore limited and appointed by the statute made the xxvi. year of the reign of his most noble father of famous memory, King *Henry viii.*

Certificate of  
recusants  
made in May.

vij. for payments of tenths and first-fruits; any law or statute heretofore had or made to the contrary in any wise notwithstanding.

IV. And be it further enacted by the authority aforesaid, That A spiritual if any promotion spiritual be now, or shall chance hereafter to be or remain in such sort void, that no incumbent is or can be conveniently provided for the same, That then the said archbishops and bishops and every of them, shall and may certify yearly before the last day of *May*, the same vacations specially and according to the truth of the matter, into the said court of the first-fruits and tenths, or in any other court where the King's revenues of tenths shall be answerable; (2) upon which certificate the said archbishops and bishops and every of them, shall be discharged towards and against the King's majesty, his heirs and successors, in like sort as they now be upon their certificate of the recusants; (3) and that then and from thenceforth it shall be lawful to the King's majesty, his heirs and successors, to levy and take all the glebe lands, tithes, issues or profits, of the said benefice or spiritual promotions so especially certified as is aforesaid, until his Grace, his heirs and successors, may be fully answered, satisfied and paid of the whole arrearages of the said tenths then due to his Majesty; (4) and the said archbishops and bishops and every of them, to be from the time of the said especial certificate, clearly exonerated and discharged against the King, his heirs and successors, of the same arrearages; any law or statute heretofore had or made to the contrary in any wise notwithstanding.

V. And be it further enacted by the authority aforesaid, That The patent of all and every grant, patent or writing whatsoever, that shall hereafter be made to any person or persons, by any archbishop or bishop by themselves, or else by any archbishop or bishop confirmed by chapter seal, within the realm of *England* or elsewhere within the King's dominions, of the office of collectorship of the tenths, growing or arising yearly to be due unto our said sovereign lord the King, within the diocese and bishoprick of any such grantor, by reason of the statute of first-fruits and tenths, shall stand, abide and endure in his or their force, strength and effect, no more nor longer time than the said grantor shall be and remain archbishop or bishop of the same see and bishoprick whereof he was possessed at the time of his said grant, any confirmation of his said grant, or any custom, usage, law or statute at any time heretofore had, used or made to the contrary in any wise notwithstanding. *Repealed by 2 & 3 Ph. & Ma. c. 4. and revived by 1 El. c. 4.*

#### CAP. V.

*The act to avoid the excessive prices of wine.*

FOR the avoiding of many inconveniencies, much evil rule and common resort of misruled persons used and frequented in many taverns of late newly set up in very great number in back-lanes, corners and suspicious places within the city of London, and in divers other towns and villages within this realm; (2) Be it enacted by the

At what prices wines shall be sold, and at whose appointment the prices shall be set down.

Repealed as  
to the price of  
wines by 1 Jac.  
1 c. 25. f. 43.  
Stiles 340, 381.  
Bridgman 113.

the authority of this present parliament, That no person or persons whatsoever, inhabiting within any of the King's majesty's dominions of *England* and *Wales*, shall after the feast of St. *Michael* the archangel next coming, utter by retail by small measure, that is to say, by gallon, or any other measure of greater or lesser quantity, any wines called *Gascoin*, *Guyon* or *French* wines, but after the rate of viij. d. the gallon at the most, by any manner of means, colour, engine or craft: (3) nor any *Rochel* wines at greater prices or valuation than after the rate of iv. d. the gallon at the most; (4) nor any other wine or wines at greater price or valuation than after the rate of xii. d. the gallon at the most; (5) upon pain that every person doing the contrary shall forfeit for every such offence five pounds of lawful money of *England*.

Who may  
have wine in  
his house, and  
who not.  
Repealed by  
1 Jac. 1. c. 25.  
f. 43:

II. And be it further enacted by the authority aforesaid, That it shall not be lawful to any person or persons within any the dominions aforesaid, except he or they shall and may dispense in lands, tenements, hereditaments or other yearly profits certain, the sum of one hundred marks of lawful money of *England*, or else be worth of his own proper goods and chattels one thousand marks, or shall be the son of a duke, marquis, earl, viscount or baron of this realm, to have and keep after the feast of St. *Michael* the archangel, in his house or custody, any piece or vessel of any of the said wines of *Gascoign*, *Guyon*, *French* or *Rochel* wines, containing above the quantity of ten gallons, to the intent to spend or drink the same in his or their house or houses, by any colour or means: (2) upon pain to forfeit for every such offence ten pounds of lawful money of *England*.

No wines shall  
be sold by re-  
tail but in ci-  
ties, boroughs,  
market-towns.  
Dyer, 270.

III. And also be it further enacted by the authority of this present parliament, That it shall not be lawful to any person or persons within any of the said dominions, after the said feast of St. *Michael*, to keep any tavern, or to sell or utter by retail by the gallon or less or greater measure, in any place, any of the said wine or wines within any of the said dominions, except it be in cities, towns corporate, boroughs, port-towns or market-towns, or in the towns of *Gravesend*, *Sittingborn*, *Tuxford*, and *Bagshot*; (2) upon pain that every person or persons that shall so offend contrary to the form of this act, shall lose and forfeit for every day so offending, the sum of ten pound of lawful money of *England*: (3) nor that it shall be lawful to any person or persons, after the said feast of St. *Michael*, to keep any taverns or sell or utter by retail by the gallon or less or greater measure, in any city, borough or town corporate, any manner of wines, but only such person and persons as shall be thereunto nominated, appointed and assigned by the head officers and the most part of the common council, aldermen, burgesses, jurats or commonalty for the time being, of such city, borough or town corporate where such person or persons shall tavern, sell or utter wine by retail as is aforesaid: (4) the said nomination and assignment to be made by writing under the common seal of such city, borough or town corporate as is aforesaid: (5) and the said nomination,

No person  
shall sell wines  
but by licence  
of the mayors,  
&c.  
Persons li-  
cenced may  
sell wine in  
any town, &c.  
12 Car. 2. c. 25.  
f. 2.

appointment and assignment shall continue in their force, or be changed, at the election and pleasure of the head officer or officers, and the most part of the common council, aldermen, burgesses, jurats or commonalty for the time being, of such city, borough or town corporate, by writing, and under such common seal as is aforesaid: (6) nor that it shall be lawful to any person or persons to keep any tavern, or to sell or utter any wine by retail as is aforesaid, in any city, borough, port-town or market-town not corporate within the realm of *England* or *Wales*, or in the said towns of *Gravesend*, *Sittingborn*, *Tuxford* or *Bagshot*, but only such person or persons as thereunto shall be assigned, nominated and appointed by all or the most part of the justices of peace for the time being, of such shire or county where such taverns, or selling of wine by retail shall be had or allowed, as shall be present at the general sessions for the time being, to be holden within every of the said shires or counties; (7) the said assignment, nomination and appointment to be had and made in full session, by writing under the several seals of every of the said justices, and to be continued, altered or changed in like form, and by like authority as is last aforesaid; (8) upon pain that every person that shall after the said feast sell or retail any wine, being not thereunto licenced and authorised as is aforesaid, shall forfeit and lose for every day that he shall so offend, v. li. of lawful money of *England*: (9) nor that any person or persons having authority by this present act to nominate assign or appoint what persons shall tavern, utter or sell wine by retail as is aforesaid, shall nominate, assign or appoint by his or their writing, any more or greater number of taverns or wine-sellers by retail to sell or utter wine, or keep or continue any tavern at one time in any one city, borough, town corporate, port-town or market-town, or in *Gravesend*, *Sittingborn* or *Bagshot* (all and every such city and town hereafter expressly named only except) than two wine-sellers or taverns; (10) and it shall not be lawful to any person or persons having authority to nominate, assign or appoint taverns or sellers of wine by retail by this act, to nominate, assign or appoint, by writing, any more or greater number of taverns, or wine-sellers in the city of *London* to sell or utter wine by retail, at any time above the number of forty taverns or wine-sellers; and in *York* eight, in *Norwich* four, in *Westminster* three, in *Bristol* six, in *Lincoln* three, in *Kingston upon Hull* four, in *Shrewsbury* three, in *Exeter* four, in *Salisbury* three, in *Glocester* four, in *Westchester* four, in *Hereford* East three, in *Worcester* three, in *Southampton* three, in *Canterbury* four, in *Ipswich* three, in *Winchester* three, in *Oxford* three, in *Cambridge* four, in *Colchester* three, in *Newcastle upon Tyne* four taverns or wine-sellers; (11) upon pain that every person authorised by this act to nominate, assign or appoint taverns or wine-sellers, to forfeit for every nomination, assignment or appointment by him made contrary to the form of this act, v. li.

No person shall sell wines in any town not corporate but by the licence of the justices of peace of the shire.  
Co. pl. 370.  
Hardr. 228.

How many taverns may be licenced in one town, &c.

IV. And be it further enacted by the authority aforesaid, That no person or persons whatsoever, from and after the said feast

No man shall retail wine to be spent in his house.

Who shall  
have the for-  
feiture.  
12 Car. 2. c. 25.

of St. *Michael* shall sell or utter by retail any kind of wine or wines, to be drunk or spent in his or their mansion house or houses, or other place in his or their tenure or occupation, by any colour, craft, engine or mean; (2) upon pain to forfeit for every such offence x. li. of lawful money of *England*: (3) The one half of all which forfeitures shall be to the King our sovereign lord, and the other half to him or them that will sue for the same by action of debt, bill, plaint or information in any of the King's courts of record, in which action or suit no essoin, wager of law or protection shall be allowed.

Who may  
have wines to  
spend in their  
houses.

V. Provided always, That it shall be lawful for all and every merchant and merchants adventuring for the same at his or their own costs and charges, to have and keep to spend in his or their house or houses, such wine or wines as he shall transport or cause to be transported into this realm or any part thereof, not taking any money or other recompence for the same that shall be so spent in his or their houses: (2) and that it shall be lawful to every high sheriff of every county, mayor, bailiff and sheriff of every city and town corporate within this realm of *England* and other the said dominions for the time being, during his or their office of charge, and to every other person inhabiting or dwelling in any of the King's majesty's forts or towns fortified and kept for the wars, during his or their dwellings, in any such fort or town of war, to have wine in their houses by the vessel, to spend the same in his or their houses, without taking any money or other recompence for the same so spent in his or their houses, or other place in their tenure or occupation; this act, or any thing therein contained to the contrary in any wise notwithstanding.

Which officers  
may enquire  
of the offences  
aforesaid.

VI. And it is further enacted by the authority aforesaid, That the justices of peace of every shire or county, city and town corporate in their several sessions, and the steward in every leet, and the sheriff in his torn, and every escheator, shall have full power and authority by this present act, to enquire by the oaths of xij. lawful men, of all and every offence and offences perpetrated or done contrary to the form of this act: (2) And that every enquiry and presentment, taken and had by the oaths of xij. lawful men as is aforesaid, shall be of such force and effect as if the same were taken or had before the King in his majesty's bench; (3) and that every of the pains, penalties and forfeitures aforesaid, to be due by force of this act, for any offence to be committed or done by any person or persons, contrary to the form of this present act, as shall be found by presentment before the said justices of peace, escheators, sheriffs or steward, by verdict of xij. men as is aforesaid; (4) and no bill, plaint, action or information thereof commenced in any of the King's courts of record, shall be divided equally in two parts, whereof the one shall be to the King our sovereign lord, his heirs and successors, and the other to be to the poor people of the town or place where such presentment shall be found.

VII. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to charge any person or persons with any penalty or forfeiture for and concerning any offence to be done contrary to the tenor of this act, unless he or they so offending be sued, indicted or presented for the same, within one year next after the same offence be done and committed as is aforesaid; any thing in this act contained to the contrary notwithstanding.

Within what time an offender must be sued.

VIII. Provided always, That this act, or any thing therein contained, shall not in any wise be prejudicial or hurtful to any of the universities of *Oxford* and *Cambridge*, or to the chancellor or scholars of the same or their successors or any of them, to impair or take away any of the liberties, privileges, franchises, jurisdictions, powers and authorities to them or any of them appertaining or belonging: (2) But that they and every of them and their successors may have, hold, use and enjoy all their liberties, privileges, franchises, jurisdictions, powers and authorities in such large and ample wise as though this act had never been had ne made; (3) so always that there be not any more or greater number of taverns kept or maintained within any of the said towns of *Oxford* or *Cambridge*, than may be lawfully kept and maintained by the provision, true meaning and intent of this statute; any thing in this proviso mentioned to the contrary notwithstanding.

None of the liberties of Oxford or Cambridge shall be impaired.

#### CAP. VI.

The statute of 17 Ed. 4. c. 1. touching the transporting of gold and silver, continued for twenty years.

#### CAP. VII.

##### *An act for the assise of fuel.*

WHERE the assise and measure of takwood, billet, fagot, coals and other fuel, appointed and assised by an act of parliament made at Westminster the xxij. day of January in the xxxiv. year of the reign of our late sovereign lord King Henry the Eighth, is the same assise that was kept in the time of King Edward the Fourth, which assise hath not been kept, nor could not conveniently be kept these threescore years, nor at these days can be kept, by reason of the great scarcity of woods that is happened since the time of the said King Edward the Fourth: (2) And also by reason of the greatness of the said assise, the same fuel nor coals cannot be carried at these days without alteration of the carts wherein such fuel and coals are now carried; by reason whereof, and for that in the said statute the penalty, which is the forfeiture of the said fuel or coals lacking the said assise contained in the said act, dependeth upon the buyer thereof, and not upon the seller, ne maker, marker or feller of the same; by reason whereof divers cities and countries are like presently to lack fuel and coals, unless speedy remedy be shortly had in this behalf:

What shall be the assise of fuel of all sorts.  
34 & 35 H. 8.  
c. 3.  
43 Eliz. c. 14.  
9 Ann. c. 15.

The assise of  
talwood, bil-  
let, fagot and  
coals, to be  
sold in London  
and Westmin-  
ster, and the  
suburbs there-  
of.

II. For redress whereof, be it enacted by authority of this present parliament, That no person or persons shall sustain any loss, pain or penalty, for buying or selling of any talwood, billet or fagot, now cut and made, although the same be not of the assise contained in the said act; any thing contained in the same act notwithstanding. (2) And that all talwood, billet, fagot and coals to be made and put to sale in the cities of *London, Westminster*, or in the suburbs of the same, after the last day of *September* next coming, shall keep the assises hereafter expressed, that is to wit, That every sack of coals contain four bushels of good and clean coals; (3) and that every talshide contain in length four foot besides the carse; (4) and every talshide named of one, to contain in greatnes within a foot of the midst, sixteen inches about; (5) and every talshide named of two, to contain in greatnes within a foot of the midst, three and twenty inches about; (6) and that every talshide named of three, to contain in greatnes within a foot of the midst, eight and twenty inches about; (7) and every talshide named of four, to contain in greatnes within a foot of the midst, three and thirty inches about; (8) and every talshide named of five, to contain in greatnes within a foot of the midst, eight and thirty inches about: (9) and every billet to contain in length three foot and four inches; and every billet named a single, to contain seven inches and a half about; (10) and every billet named to be a cast, to contain ten inches about; (11) and every billet named of two cast, to contain fourteen inches about: (12) and every fagot bound, to contain in length three foot; (13) and the band of every such fagot to be of four and twenty inches about, besides the knot: (14) which assises are little less than the assises contained in the said former act, and also are much greater than any assise that now is, or of long time hath been commonly kept.

The forfeiture  
for lacking of  
the assises  
aforesaid.  
Repealed as  
to the for-  
feiture by  
43 El. c. 14.  
in which there  
are other pro-  
visions relating  
hereto.

III. And be it further enacted, That it shall be lawful from henceforth for every owner without danger of any forfeiture, to make billets of two casts; and that all billets of two casts, from henceforth to be made and put to sale, shall be of the assise herein comprised or more, and shall be marked only within six inches of the midst thereof: (2) and that every billet of one cast from henceforth to be made and put to sale, shall be only marked within four inches of the end thereof, (3) upon pain that every marker and every seller that shall make any such fuel or coals, and put the same to sale, to forfeit for every shide of talwood, billet, fagot or sack of coals from henceforth put to sale, lacking of the assise aforesaid, iij. s. iv. d. (4) And that this present statute only, and no other statute of assise of fuel or coals, shall from henceforth stand in force ne take place.

All other sta-  
tutes for assise  
of fuel re-  
pealed.

IV. And forasmuch as by the greedy appetite and covetousness of divers persons, fuel, coals and wood runneth many times through four or five several hands or more, before it cometh